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7 IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
8 DIVISION II

9 IN RE PERSONAL RESTRAINT PETITION
10 OF:

No.: 48755-1-II

11 RYAN ROCQUIN,

**RESPONSE TO PERSONAL
RESTRAINT PETITION**

12
13 **1. IDENTITY OF RESPONDING PARTY.**

14 The State of Washington responds by and through Katherine L. Svoboda, Grays Harbor
15 County Prosecuting Attorney and seeks relief as designated in Part 2 of this response.

16 **2. ISSUES PRESENTED**

- 17 a. Whether this petition should be dismissed when Rocquin fails to show that his guilty
18 plea was involuntary?
19
20 b. Whether this petition should be dismissed when Rocquin fails to established that he
21 was deprived of the effective assistance of counsel?
22
23 c. Whether some of the imposed community custody conditions should be stricken?

24 **3. RELIEF REQUESTED.**

25 The State of Washington requests that the conceded community custody conditions be
26 stricken from the Judgment and Sentence in each cause number, and that the remainder of the terms
27 of sentence be upheld.

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3 **4. FACTUAL BACKGROUND.**

4 On May 28, 2014, the Petitioner was charged with one count of Child Molestation in the First
5 Degree under cause no. 14-1-00203-6. The Information alleged that he had sexual contact with
6 M.A.R. between April 11 and April 13, 2014. M.A.R. is the Petitioner's biological daughter and was
7 five years old at the time of the crime. Attachment A.
8

9 After additional evidence was discovered during the forensic examination of the Petitioner's
10 computer, cause no. 14-1-376-8 was filed. This Information alleged one count each of: Sexual
11 Exploitation of a Minor, Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct
12 in the First Degree, and Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in
13 the Second Degree. Attachment B.
14

15 On February 17, 2015, the Petitioner pled guilty to all charges under both of these cause
16 numbers as part of a negotiated "global resolution." The Petitioner was sentenced on March 20, 2015
17 to standard range sentences on both cause numbers and is currently serving a lengthy prison term. He
18 did not file a direct appeal. Attachments B-D, F-G.

19 **5. GROUNDS FOR RELIEF AND ARGUMENT.**

20 **A. STANDARD OF REVIEW**

21 Relief by way of a personal restraint petition is extraordinary. *In re Pers. Restraint of Coats*,
22 173 Wn.2d 123, 132, 267 P.3d 324 (2011). A personal restraint petition is not a substitute for an
23 appeal. *In re Pers. Restraint of Hagler*, 97 Wn.2d 818, 824, 650 P.2d 1103 (1982). Collateral relief is
24 limited because it "undermines the principles of finality of litigation, degrades the prominence of the
25 trial, and sometimes costs society the right to punish admitted offenders." *Id.*
26
27

1 An appellate court will reach the merits of a personal restraint petition only after the petitioner
2 makes a threshold showing of (1) constitutional error from which he has suffered actual and
3 substantial prejudice, or (2) non-constitutional error constituting a fundamental defect that inherently
4 resulted in a complete miscarriage of justice. *In re Pers. Restraint of Davis*, 152 Wn.2d 647, 671-72,
5 101 P.3d 1 (2004) (quoting *In re Pers. Restraint of Cook*, 114 Wn.2d 802, 813, 792 P.2d 506 (1990)).
6

7 A petitioner's compliance with this "threshold burden" is mandatory, and the appellate court
8 will refuse to address the merits of the petition in the absence of such compliance. *Cook*, 114 Wn.2d
9 at 814 (citing *In re Pers. Restraint of Williams*, 111 Wn.2d 353, 365, 759 P.2d 436 (1988)). The
10 petitioner bears the burden of showing prejudicial error by a preponderance of the evidence. *In re*
11 *Pers. Restraint of Lord*, 152 Wn.2d 182, 188, 94 P.3d 952 (2004) (citing *Cook*, 114 Wn.2d at 813
12 14). Bare assertions unsupported by references to the record, citation to authority, or persuasive
13 reasoning cannot sustain the petitioner's burden of proof. *State v. Brune*, 45 Wn. App. 354, 363, 725
14 P.2d 454 (1986).
15

16 B. ROCQUIN HAS FAILED TO REQUEST ANY REMEDY BASED ON
17 ASSERTION THAT HIS GUILTY PLEAS WERE INVOLUNTARY.

18 The Petitioner alleges now that his plea of guilty in cause nos. 14-1-203-6 and 14-1-376-8
19 were involuntary. Petition at 3. This claim was not made to the trial court, nor did the Petitioner file a
20 direct appeal. The State is uncertain as to why the Petitioner raises this particular argument. The
21 remedies requested by the Petitioner do not include withdrawal of his guilty pleas, but instead he asks
22 for a "[h]earing to present further evidence including testimonial evidence to the court" and
23 "...resentencing." Petition at 24. The Petitioner does not explain why a hearing is requested or what
24 he hopes to elicit; therefore, remedy on this issue should be denied. The issue of resentencing will be
25 addressed later in this response.
26
27

1 Although no remedy is requested, the State will address this issue as, even if requested, no
2 remedy is warranted on the claim of an involuntary plea.

3 C. ROCQUIN HAS FAILED TO SHOW THAT HIS GUILTY PLEAS WERE
4 INVOLUNTARY

5 **Withdrawal of Guilty Plea—Generally**

6
7 At the trial level, a criminal defendant has no absolute right to withdraw his or her guilty plea.
8 *State v. Quy Dinh Nguyen*, 179 Wn. App 271, 282, 319 P.3d 53 (2013). Instead, the trial court's
9 discretionary authority to permit withdrawal is limited to instances of "manifest injustice." *Id.* at 283
10 (citing *State v. Robinson*, 172 Wash.2d 783, 791, 263 P.3d 1233 (2011)). This standard should
11 certainly not be lowered when the Petitioner has failed to seek remedy in the trial court or on appeal.

12 CrR 4.2(f), which governs the withdrawal of guilty pleas, reads as follows:

13 "The court shall allow a defendant to withdraw the defendant's plea of guilty whenever it appears
14 that the withdrawal is necessary to correct a manifest injustice. If the defendant pleads guilty
15 pursuant to a plea agreement and the court determines under RCW 9.94A.431 that the agreement
16 is not consistent with 1) the interests of justice or 2) the prosecuting standards set forth in RCW
17 9.94A.401-.411, the court shall inform the defendant that the guilty plea may be withdrawn and a
18 plea of not guilty entered. If the motion for withdrawal is made after judgment¹, it shall be
19 governed by CrR 7.8."

20 A manifest injustice is one that is "obvious, directly observable, overt, and not obscure" and will exist
21 when 1) the defendant received ineffective assistance of counsel, 2) the plea was not ratified by the
22 defendant or one authorized by him or her to do so, 3) the plea was involuntary, or 4) the plea
23 agreement was not kept by the prosecution. *Quy Dinh Nguyen*, 179 Wn. App at 282 (citing *State v.*
24 *Taylor*, 83 Wn.2d 594, 598-99, 521 P.2d 699 (1974)). CrR 4.2 requires that the defendant bear the
25 burden of demonstrating such a manifest injustice and thereby establishing the necessity for
26 withdrawing the plea. *Id.* at 282-83 (citing *State v. Osborne*, 102 Wn.2d 87, 97, 684 P.2d 683
(1984)).

27 ¹ "Judgment" in CrR 4.2(f) refers to the date the judgment and sentence are filed with the clerk. *State v. Davis*, 125
Wn.App. 59, 68, 104 P.3d 11 (2004).

1 Our Supreme Court has explained that the reason this burden is so “heavy,” “demanding,” and
2 “stringent” is in part due to the extensive and carefully designed safeguards created by CrR 4.2 to
3 protect defendants during the initial entry of the plea. *Id.* at 283 (citing *Taylor*, 83 Wn.2d at 596 and
4 *Robinson*, 172 Wn.2d at 791-92). Once these safeguards have been employed, trial courts should
5 exercise great caution in setting aside a guilty plea. *Taylor*, 83 Wn.2d at 597. Furthermore, if
6 appealed, the trial court’s decision will be reviewed only for abuse of discretion. *State v. Wilson*, 162
7 Wn.App. 409, 414, 253 P.3d 1143 (2011).
8

9 In considering a motion for withdrawal of his or her plea, the defendant’s mere allegation that
10 a manifest injustice has occurred will not suffice, especially when the court has conducted a colloquy
11 during which the defendant has confirmed the knowing, intelligent, and voluntary nature of the plea.
12 See *Quy Dinh Nguyen*, 179 Wn.App. 271; See also *Osborne*, 102 Wn.2d 97.
13

14 In *Quy Dinh Nguyen*, through the assistance of an interpreter, the defendant pled guilty to
15 Murder in the Second Degree with a firearm enhancement and Conspiracy to Lead Organized Crime.
16 *Id.* at 274. The court conducted a colloquy with the defendant and concluded that the plea was made
17 knowingly, intelligently, and voluntarily and that there was a factual basis for the plea. *Id.* at 276.
18 However, at sentencing, the defendant moved to withdraw his plea and requested new counsel,
19 stating that he did not understand that the charge was murder and that he wanted a trial because he
20 did not kill the victim. *Id.*
21

22 The court appointed a new attorney and scheduled an evidentiary hearing, explaining that the
23 defendant’s attorney-client privilege with his prior attorney was now waived with regard to the prior
24 attorney’s understanding of the defendant’s knowledge and understanding of the plea agreement. *Id.*
25 at 276-77. The court emphasized that the purpose of the hearing was to determine if there was a valid
26 basis for the defendant’s statements at sentencing. *Id.* at 282. The defendant’s new attorney made
27

1 numerous motions for lengthy continuances in order to review the historical facts of the investigation,
2 all of which were denied as the court reiterated that the only concern was whether the defendant made
3 his plea knowingly, intelligently, and voluntarily. *Id.* at 277. After hearing testimony from the
4 defendant's prior attorney, the court denied the defendant's motion to withdraw his plea. *Id.* at 281.

5
6 In affirming the ruling, the Court of Appeals held that the trial court's approach of requiring
7 an initial threshold showing by the defendant of a valid basis to withdraw the plea was reasonable
8 under CrR 4.2. *Id.* at 283. The Court went on to state that the trial court did not err by requiring the
9 defendant to produce something more than a bare allegation and that, had he made the required
10 threshold showing, the lower court could have permitted more intensive discovery to develop the
11 record on that issue. *Id.* at 284. However, since the defendant had not first demonstrated any
12 likelihood of establishing a manifest injustice, the trial court was not required to authorize an
13 attorney, at public expense, to spend the numerous months requested by the defense to review the
14 case. *Id.*

15
16 Similarly in *Osborne*, the defendant pled guilty to second degree felony murder and, through
17 new counsel, subsequently filed a written motion (supported by an affidavit) to withdraw his plea on
18 the basis that it was involuntary. 102 Wn.2d at 97. In affirming the trial court's denial of the motion,
19 the Supreme Court held that, in the face of the defendant's confirmations at the time of the plea that
20 he was entering the agreement voluntarily, the "bare allegations"² in his affidavit that the plea was
21 coerced were not enough to meet the burden imposed on him by CrR 4.2(f) to make a showing of
22 manifest injustice. *Id.* The Court went on to explain that Osborne's statements on the record at the
23 time of the plea constituted "highly persuasive" evidence of voluntariness which in turn required
24 evidence, rather than mere assertions, to overcome. *Id.*

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26
27 ² In fact, the affidavit explained that the defendant's wife had threatened suicide should the case have gone to trial and the Court admitted that this type of improper influence could be considered in determining the voluntariness of a plea, even though it was beyond the control of the State.

1 In *State v. Wilson*, the trial court accepted the defendant's plea of guilty to Possession of
2 Methamphetamine and sentencing was set over so that the defendant could enter treatment and get
3 credit towards confinement for said treatment. 162 Wn.App. at 411. However, the defendant did not
4 do so, and when she appeared for sentencing, the Supreme Court had issued its ruling in *Gant. Id.*

5 Wilson moved to withdraw her plea, arguing that *Gant* required suppression of the evidence
6 in her case and that the judgment, which was based on unlawfully obtained evidence, constituted a
7 manifest injustice. *Id.* In denying the motion and sentencing the defendant to six months in jail, and
8 in language extensively quoted by the Court of Appeals, the trial court ruled that the entry of the plea
9 made unavailable any argument about the admissibility of evidence since a conviction after a plea of
10 guilty rested almost entirely on the defendant's own admission that he or she had committed the
11 crime, not on evidence which was never presented against her. *Id.* at 412-13.

12 The Court of Appeals adopted the view of the trial court and went on to emphasize that any
13 attempts to apply federal case law to the issue were not persuasive since the federal criminal
14 procedure for withdrawal of guilty pleas is more liberal and permissive than the standard in
15 Washington under CrR 4.2(f). *Id.* at 417. In contrast to the federal standard where a defendant must
16 show a "fair and just reason for requesting the withdrawal," the Court described CrR 4.2(f) as a
17 "heavy burden that does not center simply on what is fair." *Id.* at 418.

18 **Petitioner's Pleas of Guilty**

19 In each of the matters at bar, the Petitioner entered a plea of guilty. At the plea hearing,
20 defense counsel stated that: "I have reviewed the plea agreements with Mr. Rocquin at the Grays
21 Harbor County Jail last week, I believe he understands all the terms and conditions as required by
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1 the plea agreement, and the defendant would like to freely and voluntarily plea[d] guilty in both cause
2 numbers.” 2/17/15 VRP at 1³.

3 The court then verified that the Petitioner had read the material and understood “everything
4 that they say.” 2/17/15 VRP at 2. The Petitioner later affirmed for a second time that the plea was his
5 “own free and voluntary decision” and that he had read the plea for himself. 2/17/15 VRP at 5-6. At
6 no time during this hearing did the Petitioner express any confusion or lack of understanding. He did
7 not ask the court any questions or make any complaints about defense counsel.
8

9 After his colloquy with the Petitioner, the trial court made the following finding in each case:

10 I find the defendant’s plea of guilty to be knowingly, intelligently and voluntarily
11 made. Defendant understands the charges and the consequences of the plea. There
12 is a factual basis for the plea. The defendant is guilty as charged.

13 Attachments C and G.

14 **Child Molestation in the First Degree—cause no. 14-1-203-6**

15 In the 14-1-203-6 Plea Agreement, the Petitioner was advised, in section 1.9, that he was
16 facing a standard range of 149-198 months to Life in this matter and that Life was the maximum
17 term. The agreement also notes that “[t]his sentence shall run concurrent with Grays Harbor Superior
18 Court cause no. 14-1-376-8.” Attachment B. In section 1.10(d), the agreement states that the
19 Petitioner was subject to “[c]ommunity custody pursuant to RCW 9.94A.507, for any period of time
20 Defendant is released from total confinement before expiration of the maximum sentence: Life.”
21

22 Attachment B.

23 In this Statement of Defendant on Plea of Guilty, the Petitioner acknowledged that, under this
24 cause number, he was facing a standard range of 149-198 months to Life in prison, a maximum term
25 of life, and community custody for life. Attachment C.

26 **Sexual Exploitation, Poss. of Depictions 1st, Poss. of Depictions 2nd—cause no. 14-1-376-8**

27 ³ This is included at “Attachment I”

1 In the 14-1-376-8 Plea Agreement, the Petitioner was advised, in section 1.9, that he was
2 facing the following standard ranges: Count 1—129 to 171 months with a 10 year maximum; Count
3 2—77-102 months with a 10 year maximum; and Count 3⁴—72-96 months with a 5 year maximum.
4 The agreement also notes that “[t]his sentence shall run concurrent with Grays Harbor Superior Court
5 cause no. 14-1-203-6.” Attachment F. In section 1.10(d), the agreement states that the Petitioner was
6 subject to community custody for 36 months. Attachment F.
7

8 **Irregularities of the Pleas**

9 The Petitioner points out a number of issues with the paperwork connected with the plea. The
10 State clearly has to concede that there were a number of mistakes made by the State, defense counsel,
11 and even the court. While this is painful lesson in the importance of proofreading, none of the issues
12 raised would reach the level of rendering the plea involuntary.
13

14 Cause no. 14-1-203-6

15 The Petitioner claims that the Plea Agreement in cause no. 14-1-203-6 “did not have any
16 indication that the charge...was subject to indeterminate sentencing pursuant to RCW 9.94.507.”
17 Petition at 9. While it is correct that a box on page one was not marked, this is not a correct
18 statement. On page 3, section 1.9 of the Plea Agreement, the standard range is stated as “149-198
19 months to Life” indicating that it is an indeterminate sentence. Also, section 1.10(b) indicates
20 community custody pursuant to RCW 9.94A.507. Attachment F. When considering the documents
21 and transcripts as a whole, there is no evidence to support the contention that the Petitioner was not
22 advised that he was subject to indeterminate sentencing in this cause.
23

24 The Petitioner also notes that the Statement of Defendant on Plea of Guilty in cause no. 14-1-
25 203-6 contains an incorrect offender score of 1; however, section 1.9 of the Plea Agreement correctly
26

27 ⁴ This was incorrect as this count was a level IV, not a level V. The correct range is 63-84 months. This was corrected at sentencing. There is no prejudice because both standard ranges exceed the maximum, making the presumed sentence 60 months.

1 shows an offender score of 9. Attachment F. This was clarified in the Judgment and Sentence which
2 correctly lists the offenses charged in cause no. 14-1-376-8 and calculates the offender score as 9.
3 Attachment H. It should be noted that the standard range listed under 6(a) in the Plea of Guilty is
4 correct. Attachment G. This was a scrivener's error. The direct consequences of the plea,
5 incarceration and community custody, were correctly outlined. The Petitioner offers no evidence that
6 he was in any way prejudiced by this mistake.
7

8 Finally, as to this cause number, the petition alleges that "the judge failed to indicate whether
9 the defendant had read the statement and understood it, or had it read to him and understood it."
10 Petition at 10. The box is not checked; however, the transcript of the guilty plea hearing is clear. For
11 some reason, this transcript was not included in the original petition. The court had the following
12 exchange with the Petitioner about cause 14-1-203-6:
13

14 ...

15 THE COURT: Oh, okay. Is this your signature?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Did you read each of these statements?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And did you understand everything that they say?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: There is a section on the first page that discusses the rights
22 that you have; did you read those rights?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Did you understand them?

25 THE DEFENDANT: Yes, Your Honor.
26
27

1 THE COURT: Do you understand that when you enter a plea of guilty,
2 you give up those rights?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: These forms let you know what the standard range
5 sentence is, and the maximum term; do you understand those terms?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you understand that you will be required to register as a
8 sex offender?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: I want to emphasize that, as I understand it, that
11 approximately 20 percent of the
12 people who are registered sex offenders are ultimately convicted of failing
13 to register, and it's a situation that shouldn't happen.

14 THE DEFENDANT: I understand, Your Honor.

15 THE COURT: Okay. Do you understand that you may not have any
16 firearms, possess any firearms as a result of this plea?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Let me turn first to the first charge that was filed here.
19 Cause number 14-1-0203-6, you are charged with the crime of child
20 molestation in the first degree. The information alleges that you, in Grays
21 Harbor County, on or about the period beginning April 11, 2014 and
22 ending April 13, 2014, had sexual contact with M.A.R., who is less than
23 12 years old and not married to you, and that you were at least 36 months
24 older than M.A.R; how do you plea to that charge?

25 THE DEFENDANT: Guilty, Your Honor.

26 ...

27 2/17/2015 RP at 2-4. Again, this was a simple scrivener's error. When the record is taken as a whole,
there is no confusion and there was certainly no prejudice to the Petitioner.

Cause no. 14-1-376-8

1 The Petitioner also raises several claimed errors in the Judgment and Sentence for cause no.
2 14-1-376-8.

3 The Petitioner claims that, in the Judgment and Sentence, “other current convictions listed
4 include only the Child Molestation First Degree from case number 14-1-203-6, yet the offender score
5 for each offense is listed as a 9.” Petition at 10-11. This is a mistaken reading of the Judgment and
6 Sentence. In section 2.1 “Current Offenses” the three counts listed in the Information of cause no. 14-
7 1-376-8 are listed, this section then goes on to list the count of Child Molestation as “[o]ther current
8 convictions listed under **different cause numbers** used in calculating the offender score...”
9 Attachment H (emphasis added). The offender score for this cause number is correctly calculated
10 based on this information as 9 points.
11

12 To determine the offender score, the court must take “the sum of points accrued under [RCW
13 9.94A.525] rounded down to the nearest whole number, and ...[c]onvictions entered or sentenced on
14 the same date as the conviction for which the offender score is being computed shall be deemed
15 "other current offenses" within the meaning of RCW 9.94A.589. RCW 9.94A.525.
16

17 In pertinent part, RCW 9.94A.589 provides:

18 ...whenever a person is to be sentenced for two or more current offenses, the
19 sentence range for each current offense shall be determined by using all other
20 current and prior convictions as if they were prior convictions for the purpose of
the offender score ...

21 RCW 9.94A.525(17) dictates that: “[i]f the present conviction is for a sex offense...count
22 three points for each adult and juvenile prior sex offense conviction.”

23 All of the convictions at issue are defined as “sex offenses” pursuant to the Sentencing
24 Reform Act. RCW 9.94A.030 (47) (a) (i) and (iii) define a "sex offense" as either: “A felony that is a
25 violation of chapter 9A.44 RCW other than RCW 9A.44.132” or [a] felony that is a violation of
26 chapter 9.68A RCW other than RCW 9.68A.080.”
27

1 Cause no. 14-376-8:

2 Count 1—Sexual Exploitation of a Minor
3 Class B Felony (RCW 9.68A.040)

4 Count 2—Possession of Depictions of Minor 1st Degree
5 Class B Felony (RCW 9.68A.070 (1))

6 Count 3—Possession of Depictions of Minor 2nd Degree
7 Class C Felony (RCW 9.68A.070 (2))

8 Cause no. 14-203-6:

9 Count 1—Child Molestation in the First Degree
10 Class A Felony (RCW 9A.44.083)

11 Therefore, each count is a sex offense that has three other sex offenses that score against it
12 resulting in an offender score of 9 on each count.

13 The Petitioner then seems to claim that the standard ranges listed on the Judgment and
14 Sentence are incorrect because they exceed the statutory maximum. However, this is incorrect. While
15 they may exceed the statutory maximum, the standard ranges are set by RCW 9.94A.510. It is not
16 improper to show the standard range as set as long as the court does not exceed the statutory
17 maximum in the sentence imposed. Both the Plea Agreement and Statement of Plea on Guilty in
18 cause no. 14-1-376-8 clearly and correctly show both the standard range and the maximum term for
19 each count. Attachments F and G. The trial court imposed a sentence below the standard range is
20 count 1 and 3 so as to not exceed the statutory maximum. Attachment H.

21 The Petitioner notes that in section 2.3 of the Judgment and Sentence, count 2 was
22 erroneously listed as a level X (it is a level VI) and count 3 was listed as being level V (it is a level
23 IV). However, the standard ranges and the statutory maximums are listed correctly in that same
24 section. Attachment H. In fact this was clarified during the sentencing hearing and defense counsel
25 acknowledged that this had been discussed with him prior to the hearing and the parties were agreed.

1 3/20/15 VRP at 21-23⁵. Again, this was not well executed by the attorneys; however, the most
2 pertinent information is correct and there is no prejudice to the Petitioner.

3 The Petitioner states that “[t]he plea agreement in 14-1-376-8 does not list in paragraph 1.1
4 what counts are contemplated in the plea agreement.” Petition at 11. Yet, section 1.1 of the Plea
5 Agreement states that “[t]he defendant shall plead guilty to Count(s) 1, 2, and 3 of the original
6 information.” Attachment F. The Child Molestation count in cause no. 14-1-203-6 is not specifically
7 listed, but these two cause numbers were pled together as a global resolution. The documents from
8 the two cases should be viewed as a whole. The Petitioner was correctly advised of his offender score
9 and standard ranges, making him completely aware of the consequences of his plea.
10

11 The Petitioner alleges that the “offender scores and sentence ranges are incorrect” in the Plea
12 of Guilty in cause no. 14-1-376-8. Petition at 11. It has been addressed above why these are actually
13 correct. He then points out that no community custody term is listed in 6(a) of the Plea of Guilty. This
14 is true; however, community custody terms are addressed in section 6(f) (bb) (ii). This section
15 (initialed by the Petitioner) advises him that he is subject to 36 months of community custody.
16

17 Finally, the Petitioner correctly points out that Paragraph 6(p) of the Plea of Guilty, regarding
18 count one being “a most serious offense,” was erroneously stricken out. Petition at 12; Attachment G.
19 While this certainly should have been included, there is no prejudice to the Petitioner. He was
20 advised in cause 14-1-203-6 that Child Molestation in the First Degree is a “most serious offense.”
21 Attachment B (section 1.1) and Attachment C (section 6(p)). Because these two counts were
22 sentenced at the same time, they would only count as 1 point in any future persistent offender
23 calculation. RCW 9.94A.030 (38) (a) (ii). So, while a concerning omission, there is no actual harm to
24 the Petitioner.
25
26

27 ⁵ This was Petitioner’s “Attachment I”

1 The Petitioner fails to show that he suffered actual and substantial prejudice by the mistakes
2 complained of in the petitioner. The Petitioner alleges that "...the sheer number of incorrect pieces of
3 information on the plea agreements, the Statements of Defendant on Plea of Guilty, and the Judgment
4 and Sentences on the two cases make it clear that Mr. Rocquin was not adequately advised of
5 multiple things regarding his sentence." Petition at 12. It is telling that the Petitioner does not submit
6 a declaration making any claims that he was inadequately advised regarding his plea. If fact, he does
7 not explain what the "multiple things" are that he was uncertain of. These are exactly the type of
8 "bare assertions unsupported by references to the record, citation to authority, or persuasive
9 reasoning" that are discussed in *State v. Brune* and they cannot sustain the petitioner's burden of
10 proof.
11

12 D. WHETHER THIS PETITION SHOULD BE DISMISSED WHEN ROCQUIN FAILS
13 TO ESTABLISHED THAT HE WAS DEPRIVED OF THE EFFECTIVE
14 ASSISTANCE OF COUNSEL?

15 **Ineffective Assistance of Counsel—Generally**

16 The Washington State Supreme Court adopted a two prong test stated for analysis of the
17 effectiveness of a defense counsel performance. *Strickland v. Washington*, 466 U.S. 668, 687, 80 L.
18 Ed. 2d 674, 104 S. Ct. 2052 (1984). The Court stated that "[t]he purpose of the requirement of
19 effective assistance of counsel is to ensure a fair and impartial trial." *State v. Thomas*, 109 Wn.2d
20 222, 225; 743 P.2d 816 (1987). In order to maintain a claim of ineffective assistance of counsel, the
21 defendant must show not only that his attorney's performance fell below an acceptable standard, but
22 also that his attorney's failure affected the outcome of the trial.

23
24 *Strickland v. Washington* explains that the defendant must first show that his counsel's
25 performance was deficient. 466 U.S. 668, 687, 80 L. Ed. 2d 674, 104 S. Ct. 2052 (1984). Counsel's
26 errors must have been so serious that counsel was not functioning as the "counsel" guaranteed the
27

1 defendant by the Sixth Amendment. *Id.* The scrutiny of counsel's performance is guided by a
2 presumption of effectiveness. *Id.* at 689. In analyzing the first prong, the court must decide whether
3 defense counsel's actions constituted a tactical decision which was part of the normal process of
4 formulating a trial strategy. *See, e.g., Tarica*, at 373, 798 P.2d 296.

5 Secondly, the defendant must show that the deficient performance prejudiced the defense. *Id.*
6 at 687. The defendant must show "that counsel's errors were so serious as to deprive the defendant of
7 a fair trial, a trial whose result is reliable." *Id.* For prejudice to be claimed there must be a showing
8 that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the
9 proceeding would have been different." *Id.* at 694. A reasonable probability is a probability
10 sufficient to undermine confidence in the outcome. *Id.*

11
12 If both prongs of the test are not met than the defendant cannot claim the error resulted in a
13 breakdown in the adversary process that renders the result unreliable. *Id.* at 687.

14 **Same Criminal Conduct**

15
16 The Petitioner alleges that by failing to ask the trial court for a finding of same criminal
17 conduct under RCW 9.94A.589 that defense counsel was ineffective. Petition at 13. However, this
18 was not a case resolved by a jury trial; it was a negotiated guilty plea. The State refrained from filing
19 additional charges, including aggravating factors under RCW 9.94A.535. The defense, having
20 received the benefit of this bargain, was not free to make a request for such a finding. This would
21 have breached the plea agreement, and was obviously a legitimate tactic on defense counsel's part. In
22 any event, these crimes were not "same criminal conduct."

23
24 Offenses will count as the "same criminal conduct" only when they (1) require the same
25 criminal intent, (2) are committed at the same time and place, and (3) involve the same victim. RCW
26 9.94A.589 (1) (a). Courts narrowly construe the same criminal conduct rule and if any of the three
27

1 elements is missing, each conviction must count separately in the calculation of the defendant's
2 offender score. *State v. Porter*, 133 Wash.2d 177, 181, 942 P.2d 974 (1997).

3
4 Crimes may involve the same criminal intent if they were part of a “continuing, uninterrupted
5 sequence of conduct.” *Porter*, 133 Wash.2d at 186, 942 P.2d 974. But when an offender has time to
6 “pause, reflect, and either cease his criminal activity or proceed to commit a further criminal act,” and
7 makes the decision to proceed, he or she has formed a new intent to commit the second act. *State v.*
8 *Grantham*, 84 Wash.App. 854, 859, 932 P.2d 657 (1997). In *Grantham*, the defendant anally raped
9 the victim. *Id.* at 856, 932 P.2d 657. The victim did not move afterward, and the defendant began
10 kicking her. She then begged for him to stop and for him to take her home. He then threatened her not
11 to tell. He then forced her to perform oral sex on him. The *Grantham* court properly held that there
12 was evidence of new objective intent between the two rapes. *Id.* at 859, 932 P.2d 657. In so holding,
13 the court reasoned that the defendant had time to reflect on what he did, threaten the victim not to tell,
14 and he then used new force to commit the second rape. *Id.*

15
16
17 In *State v. Farmer*, the Court found that the crimes of sexual exploitation of minor and
18 patronizing juvenile prostitute did not constitute same criminal conduct for purpose of calculating
19 defendant's offender score; although the crimes occurred at relatively same time and in same place,
20 defendant's intent as to each crime was different. *State v. Farmer*, 116 Wash.2d 414, 805 P.2d 200,
21 13 A.L.R.5th 1070, amended on denial of reconsideration 812 P.2d 858 (1991).

22
23 Offenses have the same criminal intent when, viewed objectively, the intent does not change
24 from one offense to the next. *State v. Dunaway*, 109 Wash.2d 207, 215, 743 P.2d 1237 (1987).
25 “Intent, in this context is not the particular *mens rea* element of the particular crime, but rather is the
26 offender's objective criminal purpose in committing the crime.” *State v. Adame*, 56 Wash.App. 803,
27 811, 785 P.2d 1144 (1990). Courts have also looked at whether one crime furthers the other or

1 whether the offenses were part of a recognized plan or scheme. *Dunaway*, 109 Wash.2d at 215, 743
2 P.2d 1237 (furtherance test); *State v. Lewis*, 115 Wash.2d 294, 302, 797 P.2d 1141 (1990) (same
3 scheme or plan). *See State v. Kloepper*, 179 Wash. App. 343, 357, 317 P.3d 1088, 1095, *review*
4 *denied*, 180 Wash. 2d 1017, 327 P.3d 55 (2014).

5
6 In the case at bar, there is no dispute that the count of Child Molestation in the First Degree
7 involved the same victim; however, the facts don't support that they occurred at the same time or
8 with the same intent. In cause no. 14-1-203-6, the Petitioner was charged with having sexual contact
9 with his daughter for his own sexual gratification. This was based on M.A.R. describing to her
10 mother that over a weekend visit, April 11-13, 2014, the Petitioner had licked her bottom. Attachment
11 J. M.A.R. had also disclosed that the Petitioner had taken "naughty pictures." In cause no. 14-1-376-
12 8, a charge of sexual exploitation of a minor charge was added when photographs were found
13 depicting the victim in various poses exposing her breasts and spreading her legs to show her vagina.
14 In these photographs, M.A.R. is wearing lingerie-type thong underwear. Attachment K.

15
16
17 There had to be some time delay between the two allegations. The Petitioner had to have time
18 to get camera equipment and begin to photograph M.A.R. There is no allegation that these were
19 photographs of the Petitioner with M.A.R. The Petitioner had time between these two events to reflect
20 on his actions and decide to continue on in his abuse of M.A.R. For the charge of child molestation,
21 the Petitioner's intent was to physically touch M.A.R. for his own sexual gratification. The sexual
22 exploitation involved the Petitioner's intent to photograph his child in sexually explicit poses. These
23 may have been taken for his sexual gratification or for the gratification of another viewer, but his
24 intent to photograph is the primary motivation.
25
26
27

1 Considering the plea agreement between the parties and the legitimate tactic of counsel, the
2 Petitioner fails to show that defense counsel was ineffective. In fact, defense counsel negotiated a
3 plea that took a likely exceptional sentence of the table.
4

5 **Double Jeopardy**

6 This was another issue that was not objected to at trial level nor appealed. Defense counsel
7 did not raise this issue because of the negotiated plea. In any event, a violation of double jeopardy is
8 not a meritorious claim in this case.
9

10 Petitioner claims that his convictions for Child Molestation in the First Degree and Sexual
11 Exploitation violate double jeopardy. But two offenses do not merge unless the legislature has clearly
12 indicated that in order for the State to prove a higher degree of one crime, it must prove that the crime
13 was accompanied by another crime. In this case, the charges at issue do not have the same elements
14 and they do not merge.

15 Both the federal and state constitutions protect a defendant against multiple convictions for
16 the same offense. U.S. Const. amend. V ("No person shall be . . . subject for the same offence to be
17 twice put in jeopardy of life or limb."); Wash. Const. art. I, § 9 (same); *State v. Calle*, 125 Wn.2d
18 769, 775, 888 P.2d 155 (1995) (citing *Whalen v. United States*, 445 U.S. 684, 688, 100 S. Ct. 1432,
19 63 L. Ed. 2d 715 (1980)). Multiple convictions whose sentences are served concurrently may still
20 violate double jeopardy. *Calle*, 125 Wn.2d at 775.
21

22 Within these constitutional constraints, the legislature has broad power to define crimes and
23 assign punishments. *Id.* at 776. Where a single act supports conviction under multiple statutes,
24 multiple punishments may be permitted unless, in light of legislative intent, the crimes are the same
25 offense. *State v. Kier*, 164 Wn.2d 798, 803-04, 194 P.3d 212 (2008). In other words, the question of
26 whether conviction and punishment for multiple crimes arising out of the same conduct violates
27

1 double jeopardy turns on how the legislature intended to punish the conduct. *State v. Louis*, 155
2 Wn.2d 563, 568-69, 120 P.3d 936 (2005); *State v. Freeman*, 153 Wn.2d 765, 768, 108 P.3d 753
3 (2005); *Calle*, 125 Wn.2d at 776. This Court's review of legislative intent is de novo. *Freeman*, 153
4 Wn.2d at 770; *Kier*, 164 Wn.2d at 804.

5 In determining whether multiple punishments were authorized by the legislature, a reviewing
6 court must use the three-part test articulated by our supreme court in *Calle*. First, this Court looks to
7 the language of the statutes themselves to see if the legislature implicitly or explicitly authorized or
8 prohibited cumulative punishments. *Calle*, 125 Wn.2d at 776-77; *Kier*, 164 Wn.2d at 804. Here, the
9 statutes themselves do not address whether separate punishments may be imposed. Compare RCW
10 9A.44.083 (Child Molestation in the First Degree) with RCW 9.68A.040 (Sexual Exploitation of a
11 Minor).

12
13 Second, when legislative intent is not clear from the statutes, this Court turns to the
14 *Blockburger*⁶ or "same evidence" test. *Freeman*, 153 Wn.2d at 776-77; *Calle*, 125 Wn.2d at 777-78.
15 Under that test, if there is an element of each offense that is not included in the other, and proof of
16 one offense would not always prove the other, the two offenses are not the same for constitutional
17 double jeopardy purposes. *Freeman*, 153 Wn.2d at 772, 776-77; *Calle*, 125 Wn.2d at 777-78; *State v.*
18 *Vladovic*, 99 Wn.2d 413, 423, 662 P.2d 853 (1983). Child Molestation in the First Degree requires
19 proof of sexual contact⁷, which Sexual Exploitation does not. Likewise, Sexual Exploitation requires
20 that sexually explicit conduct will be "photographed or part of a live performance," which Child
21 Molestation in the First Degree does not. Compare RCW 9A.44.083 (Child Molestation in the First
22 Degree) with RCW 9.68A.040 (Sexual Exploitation of a Minor). Thus, Child Molestation in the First
23
24
25

26
27 ⁶ *Blockburger v. United States*, 284 U.S. 299, 52 S. Ct. 180, 76 L. Ed. 306 (1932).

⁷ "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

1 Degree and Sexual Exploitation are not the same offense under this analysis, and the Petitioner does
2 not address *Blockburger*.

3 This result of the same evidence or *Blockburger* test creates a strong presumption that the
4 legislature intended that the crimes should be punished separately, which can be overcome only by
5 clear evidence of contrary legislative intent. *Louis*, 155 Wn.2d at 570. Nonetheless, the third part of
6 the *Calle* test requires this Court to apply the merger doctrine as a tool of statutory construction to
7 determine whether the legislature intended to impose multiple punishments. *Id.*; *Freeman*, 153 Wn.2d
8 at 772-73. That doctrine “only applies where the Legislature has clearly indicated that in order to
9 prove a particular degree of crime (e.g., first-degree rape) the State *must* prove not only that a
10 defendant committed that crime (e.g., rape) but that the crime was accompanied by an act which is
11 defined as a crime elsewhere in the criminal statutes (e.g., assault or kidnapping).” *Vladovic*, 99
12 Wn.2d at 421 (emphasis added). This does not apply here, and the Petitioner has offered no authority
13 that would indicate that these crimes should not be punished separately.
14

15
16 Even if this Court concludes that the merger doctrine applies, the two offenses may still be
17 punished separately if the defendant’s particular conduct demonstrates an independent purpose or
18 effect. *Kier*, 164 Wn.2d at 804; *Vladovic*, 99 Wn.2d at 421. Certainly, the molestation and
19 exploitation statutes are “directed to separate evils.” See *Albernaz v. United States*, 450 U.S. 333,
20 343, 101 S. Ct. 1137, 67 L. Ed. 2d 275 (1981). Having sexual contact with M.A.R. and
21 photographing her in a sexually explicit manner caused separate and distinct injuries; neither is
22 “merely incidental to the [other] crime.” *Vladovic*, 99 Wn.2d at 421 (quoting *State v. Johnson*, 92
23 Wn.2d 671, 680, 600 P.2d 1249 (1979), *overruled on other grounds by State v. Sweet*, 138 Wn.2d
24 466, 980 P.2d 1223 (1999)).
25

26 **Mitigating Evidence at Sentencing**
27

1 The Petitioner claims that defense counsel was ineffective for failing to “investigate and
2 present mitigating evidence at sentencing.” Petition at 18. However, the Petitioner fails to offer any
3 evidence that supports this claim. There is no record that addresses what investigation was or was not
4 done by defense counsel. No declaration from Mr. Kupka or the Petitioner has been submitted.

5 The Petitioner asserts that he “...is a veteran likely suffering from post-traumatic stress
6 disorder when he committed his crimes...” and defense counsel should have had him evaluated for
7 mental health disorders and/or Veteran’s Court. Petition at 18. Again, there is no record as to what
8 was or wasn’t done in regards to these issues and the Court should not speculate. The Petitioner does
9 not provide any evidence that he has such issues or that Veteran’s Court was even an option.⁸ (Sex
10 offenses are not eligible for most, if not all, therapeutic courts). The record shows that defense
11 counsel negotiated a good outcome for a client facing overwhelming evidence against him.
12

13 Further, the outcome in this case was negotiated. There was no mitigation to be sought
14 beyond the terms reached by the parties and counsel’s actions were not ineffective.
15

16 E. COMMUNITY CUSTODY CONDITIONS

17 The Petitioner challenges several terms of his community custody that are contained in
18 “Appendix F” of the judgment and sentence in cause no. 14-1-376-8⁹. Attachment H. Specifically the
19 following:

- 20 1) That he not possess drug paraphernalia;
- 21 2) That he not purchase, possess, or consume alcohol;
- 22 3) That he not enter any business where alcohol is the primary commodity for sale;
- 23 4) That he submit to plethysmograph testing as directed by a CCO; and
- 24 5) That he not possess or peruse any sexually explicit material.
- 25
- 26

27 ⁸ Grays Harbor County does not have a Veteran’s Court. https://www.courts.wa.gov/court_dir/?fa=court_dir.psc&tab=7

⁹ This Appendix does contain both cause numbers and would apply to both cases.

1 The State concedes that the first four conditions listed here should be stricken from the appendix.
2 However, a prohibition against “sexually explicit material” is reasonably crime-related considering
3 the Petitioner was convicted of possessing and creating sexually explicit depictions of minors. The
4 term “sexually explicit” is not overbroad or vague as applied to the Petitioner. Considering that his
5 crimes directly deal with the statutory definition of “sexually explicit conduct” he is certainly on
6 notice of what is prohibited. RCW 9.68A.011 (4).

8 In *State v. Bahl*, the defendant challenged a community custody condition that prohibited him
9 from frequenting “establishments whose primary business pertains to sexually explicit or erotic
10 material.” *State v. Bahl*, 164 Wash. 2d 739, 758, 193 P.3d 678, 688 (2008). Bahl argued that the
11 terms “sexually explicit” and “erotic” are vague. The Court ultimately found that:

13 ...the challenged terms are used in connection with a prohibition on frequenting
14 businesses, i.e., those in the business of “sexually explicit” and “erotic” materials.
15 Terms must be considered in the context in which used. “ ‘[I]mpossible standards
16 of specificity’ ” are not required since language always involves some degree of
17 vagueness. *State v. Halstien*, 122 Wash.2d 109, 118, 857 P.2d 270 (1993)
18 (quoting *City of Seattle v. Eze*, 111 Wash.2d 22, 26, 759 P.2d 366 (1988)). When
19 all of the challenged terms, with their dictionary definitions, are considered
20 together, we believe the condition is sufficiently clear. It restricts Bahl from
21 patronizing adult bookstores, adult dance clubs, and the like.

22 *State v. Bahl*, 164 Wash. 2d 739, 758–61, 193 P.3d 678, 688–89 (2008).

23 As in *Bahl*, when taken in context, the prohibition against possessing sexually explicit
24 materials is not overbroad or vague in this case.

25 **6. CONCLUSION.**

26 The Petitioner entered pleas of guilty in the two cause numbers at bar. This was done after a
27 Plea Agreement had been negotiated by the parties. The record shows that the Petitioner was aware of
the consequences of these pleas. While there are a number of mistakes that shouldn’t have occurred,
none of them were a material misrepresentation that mislead the Petitioner as to the consequences of

1 his pleas. In fact, the Petitioner doesn't even positively assert that he was in some way confused or
2 misled, and he does not ask to withdraw his plea. This petition seems to simply be an attempt to be
3 resentenced with a lower offender score.

4 The Petitioner is not entitled to such relief. He received the benefit of the bargain that was
5 negotiated. He may now have "buyer's remorse" but that does not make the plea involuntary nor does
6 it make defense counsel ineffective. The sentence imposed should be upheld.
7

8
9 DATED this 34th day of August, 2016.

10 Respectfully Submitted,

11 

12 KATHERINE L. SVOBODA

13 Prosecuting Attorney

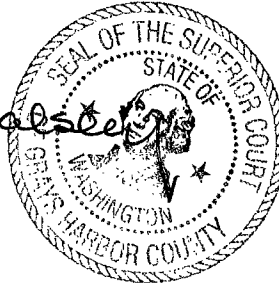
14 for Grays Harbor County

15 WSBA #34097
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Attachment A
14-1-203-6 Information

Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this AUG 24 2016
Cheryl Brown, Clerk By Audrey Bales
Deputy Clerk



FILED
GRAYS HARBOR COUNTY,
C. BROWN, CLERK
2014 MAY 28 PM 1:17

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

RYAN A. ROCQUIN,
DOB: 10-12-1981

Defendant.

No.:

14-1-2036

INFORMATION

P.A. No.: CR14-0198

P.R. No.: APD 14-A06787

I, Gerald R. Fuller, Interim Prosecuting Attorney for Grays Harbor County, in the name and by the authority of the State of Washington, by this Information do accuse the defendant of the crime(s) of CHILD MOLESTATION IN THE FIRST DEGREE, committed as follows:

That the said defendant, Ryan A. Rocquin, in Grays Harbor County, Washington, on or about the period beginning April 11, 2014, and ending April 13, 2014, had sexual contact with M.A.R., who was less than 12 years old and not married to the defendant, and the defendant was at least 36 months older than M.A.R.;

CONTRARY TO RCW 9A.44.083 and against the peace and dignity of the State of Washington.

DATED this 28th day of May, 2014.

GERALD R. FULLER
Interim Prosecuting Attorney
for Grays Harbor County

BY: Katherine L. SvoBoda

KATHERINE L. SVOBODA
Chief Criminal Deputy
WSBA #34097

KLS/ws

Attachment B
14-1-203-6 Plea Agreement

Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

Done this _____ day of AUG 24 2016

Cheryl Brown, Clerk By Cindy Balslev Deputy Clerk 2015 FEB 17 AM 9:48



SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

RYAN A. ROCQUIN,

Defendant.

No.: 14-1-203-6

**PLEA AGREEMENT
SEX OFFENSE**

I. PLEA AGREEMENT

The State of Washington and the above-named defendant enter into this Plea Agreement, which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to the entry of the guilty plea. This plea agreement is only binding upon the defendant and the Grays Harbor Prosecuting Attorney's Office. The plea agreement is as follows:

1.1 ☒ **PLEA:** The defendant shall plead guilty to Count(s) 1 of the ☒ original information:
Child Molestation 1st Degree ☐ amended information:

☒ The current offense ☒ is / ☐ is not a predicate Most Serious Offense under RCW 9.94 – Persistent Offender Accountability Act.

☐ The current offense may require the defendant to register as a firearm offender if the court so orders. The State ☐ will / ☐ will not be recommending that the defendant be required to register as a firearm offender, RCW 9.41.330.

☐ The current offense is subject to indeterminate sentencing pursuant to RCW 9.94A.507.

1.2 ☐ **SPECIAL FINDING:** The defendant agrees that there should be a special finding as follows: ☐ Defendant was armed with a firearm; ☐ Defendant was armed with a deadly weapon; ☐ The offense was sexually motivated on Count(s) _____.

1.3 ☐ **AGGRAVATING CIRCUMSTANCES:** Defendant to admit to the following
aggravating circumstances: *State agrees not to allege any*
aggravating circumstances (B) (C)

1.4 ☒ **DISMISS COUNTS/VIOLATIONS OF JUDGMENT & SENTENCE:** Upon
sentencing in the above count(s), the State moves to dismiss:

☐ Count(s) _____ in Cause No(s)

☐ Violations of Judgment & Sentence in Cause No(s).

☒ Agree not to file further charges in police agency No(s). APD 14-A06787

1.5 ☒ **OTHER:** State will not allege any aggravating factors.

1.6 ☐ **REAL FACTS OF HIGHER, MORE SERIOUS, OR ADDITIONAL CRIMES:**
In accordance with RCW 9.94A.0530 and .537, the parties agree that in sentencing, the
court may consider the following as real and material facts:

1.7 ☒ **AGREEMENT OF CRIMINAL HISTORY:** The Defendant agrees that the
Prosecutor's statement of the defendant's criminal history (as listed below per RCW
9.94A.525) is accurate and complete, as known to the parties at the time of the plea.
The parties further agree that the defendant was represented by counsel or waived
counsel at the time of each prior conviction.

1.8 ☒ **PROSECUTOR'S STATEMENT OF DEFENDANT'S CRIMINAL HISTORY:**

☒ No known felony convictions

☒ Other current convictions: _____

| <i>Crime</i> | <i>Date of Crime</i> | <i>Sentencing Court (County & State)</i> | <i>A or J (Adult or Juvenile)</i> | <i>Type of Crime</i> | <i>Points</i> | <i>DV*</i> |
|-----------------------------------|--------------------------|--------------------------------------------------|-------------------------------------------|--------------------------|---------------|------------|
| Child Molestation 1 st | 2014 | Grays Harbor, WA 14-1-203-6 | A | F | 3 | |

*DV: Domestic Violence was pled and proved.

☐ Defendant was on community custody at the time of the offense (+1 point)

1.9 ☒ **SENTENCING DATA:** The defendant agrees that the following is accurate:

| Count | Offender Score | Seriousness Level | Standard Range | Plus Enhancements | Total Standard Range | Maximum Term |
|-------|----------------|-------------------|------------------------|-------------------|------------------------|---------------|
| 1 | 9 | X | 149-198 months to Life | NONE | 149-198 months to Life | LIFE/\$50,000 |

This sentence shall run concurrent with Grays Harbor Superior Court

1.10 **SENTENCE RECOMMENDATION:** The State will recommend the following: Cause No. *14-1-376-8*

(a) **COSTS, FINES AND ASSESSMENTS:**

☒ Court costs: \$110.00 / \$200.00;

☒ Victim/Witness Assessment: \$250.00 / \$500.00;

☒ DNA Collection Fee: \$100.00, unless found indigent by the court;

☐ Domestic Violence Assessment: \$100.00;

☐ Attorney's Fees: \$500.00;

☐ Fine: \$

☐ Contribution to Grays Harbor Inter-Agency Drug Task Force Fund or _____ Drug Fund:
\$

☐ \$100.00 Washington State Patrol Crime Lab Fee;

☐ \$1000.00 / \$2000.00 / \$3000.00 mandatory fine, unless found indigent by the court.

(b) **CONFINEMENT:**

Count 1: 198 months to Life Count 2: _____

Count 3: _____ Count 4: _____

☐ _____ days of jail converted to _____ hours of community service on Count(s) _____.

☐ Credit for up to 30 days confinement for successful completion of in-patient treatment.

(d) **OTHER CONDITIONS:**

☒ Community supervision / placement / custody:

☐ _____ months, or as required by law.

☒ Community custody pursuant to RCW 9.94A.507, for any period of time Defendant is released from total confinement before expiration of the maximum sentence: Life.

☐ Gross Misdemeanor

☐ Misdemeanor

☐ _____ months probation.

☒ Crime Related Prohibitions:

☐ Any and all criminal acts

☐ No violations of RCW Title 69

☒ No crimes against persons; No registration offenses;

☒ Comply with all conditions of community custody/placement as imposed by the Department of Corrections (DOC) and his/her community corrections officer (CCO).

☒ While on community custody or placement, the defendant shall:

1. Report to and be available for contact with the assigned CCO as directed.
2. Work at DOC approved education, employment and /or community service/restitution.
3. Pay supervision fees as determined by DOC.
4. Perform affirmative acts as necessary to monitor compliance with the orders of the court as required by DOC.
5. Have prior DOC approval for all residence locations and living arrangements.

☐ Exceptional Sentence.

☒ No contact with M.R. for a period of LIFE, pursuant to RCW 9.94A.505.

☒ No possession, ownership, or control of firearms pursuant to RCW 9.41.040.

☐ Complete *alcohol / drug / domestic violence* evaluation by a state-certified agency within 45 days of release and successfully complete any recommended treatment.

☒ Not possess or consume controlled substances, nor possess drug paraphernalia without a valid prescription with random urinalysis to ensure compliance.

☐ Not drive a motor vehicle without a valid license and insurance.

☐ Other:

☒ The defendant shall:

☐ Not consume or possess any controlled substances or drug paraphernalia without a valid prescription;

☐ Not consume or possess alcoholic beverages;

☐ Submit to random urine/breath testing to monitor alcohol/drug-free status as requested by his/her CCO;

☒ Follow all sex offender registration requirements;

- 1 ☒ Have no contact with juveniles under 18 years of age;
- 2 ☐ Have no contact with juveniles under 18 years of age unless under supervision of an adult
- 3 who is aware of this conviction and the conditions of supervision and approved by his/her
- 4 therapist and CCO. The parents of any juveniles must also be aware of this conviction;
- 5 ☒ Obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be
- 6 from a State-certified therapist approved by his/her CCO;
- 7 ☒ Submit to polygraph examinations to monitor compliance with conditions and/or treatment
- 8 at the direction of CCO and/or therapist. Must not be found deceptive;
- 9 ☒ Not possess, use, or have access to, any computer or device with any access to the internet.

10 **1.11 ☒ RESTITUTION:** ☒ Charged crimes ☐ Uncharged crimes ☒ Agreed ☐ Disputed

11 To: M.R. for counseling/therapy Amount: STBD

12 To: _____ Amount: \$ _____

13 **1.12 The State's recommendation will increase in severity if additional criminal convictions**

14 **are found which were not know to the State or disclosed by the defendant prior to the**

15 **plea of guilty, or, if the defendant commits any new crimes, fails to appear at sentencing,**

16 **or violates the conditions of release. I understand that in the event additional criminal**

17 **history is found that my standard range may increase. I understand and agree my**

18 **failure to disclose prior criminal history, or the discovery of new criminal history, will**

19 **not serve as the basis for withdrawal of my plea of guilty.**

20 **1.13 ☐ The following Appendices are attached and incorporated by reference as part of this Plea**

21 **Agreement:**

22 **1.14 I have been advised and understand:**

23 (1) That I have the right to appeal my conviction; (2) That I have the right to appeal my

24 sentence if the sentence imposed is outside the standard range or under certain other

25 circumstances; (3) That unless a notice of appeal is filed within thirty days after the entry of

26 the judgment or order appealed from, the right to appeal is irrevocably waived; (4) That the

27 Superior Court clerk will, if requested, supply a notice of appeal form and file it upon

completion by me; (5) That I have the right, if I cannot afford it, to have counsel appointed

and to have portions of the trial record necessary for review of assigned errors transcribed at

public expense for an appeal; (6) that, pursuant to RCW 10.73.090, I have the right to

collaterally attack my conviction within one year after the judgment becomes final; (7) That

the time limits for collateral attack do not apply if there is newly discovered evidence if

discovered with reasonable diligence, or if the statute is unconstitutional, or if the conviction

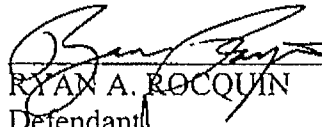
was barred by the double jeopardy clauses, or if the evidence at trial was insufficient, or if

there was a significant change in the law material to the conviction which applies

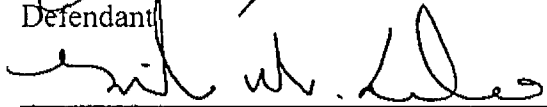
retroactively, or if the sentence was outside the court's jurisdiction, pursuant to RCW

10.73.100. CrR7.2(b)

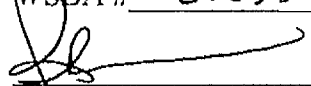
1 Date: 02-17-15


RYAN A. ROCQUIN
Defendant

2
3 Date: 02-18-15


Attorney for Defendant
WSBA # 29835

4
5
6 Date: 2/17/15


KATHERINE L. SVOBODA
Prosecuting Attorney
WSBA #34097

7
8
9 **II. COURT APPROVAL**

10 The court, having reviewed the above Plea Agreement, and having heard the statements of counsel
11 regarding the reasons for the above Plea Agreement, finds:

- 12 (a) ☒ The Plea Agreement is consistent with the interests of justice and the prosecutorial
standards.
- 13 (b) ☐ The Plea Agreement is not consistent with the interests of justice and the prosecutorial
14 standards. Neither party is bound by the Plea Agreement, and the defendant may
15 withdrawal the plea of guilty.

16 Date: 2/17/14


JUDGE

17
18 **III. INTERPRETER CERTIFICATION**

19 I am a certified interpreter or have been found by the court to interpret in the language _____, which
20 the defendant understands, and I have translated this entire document for the defendant from English into that language.
The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document.
21 I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

22 Date: _____

INTERPRETER

Attachment C

14-1-203-6 Statement on Plea

Certificate of Clerk of the Superior Court of Washington, in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this AUG 24 2016 day of

Cheryl Brown, Clerk By Audrey Bales
Deputy Clerk



FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

2015 FEB 17 AM 9:43

Superior Court of Washington
For Grays Harbor

State of Washington

Plaintiff

vs.

Ryan Andre Rocquin

Defendant

No. 14-1-203-6

Statement of Defendant on Plea of
Guilty to Sex Offense
(Felony)
(STTDFG)

1. My true name is: Ryan Andre Rocquin

2. My age is: 33 - DOB: 10-12-81

3. The last level of education I completed was 12th grade + Master's Degree in Special Education

4. I Have Been Informed and Fully Understand That:

(a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: Child Molestation in the First Degree
The elements are: had sexual contact with M.A.R. who was less than 12 years old and not married to the defendant, and the defendant was at least 36 months older than M.A.R.

5. I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6.

In Considering the Consequences of My Guilty Plea, I Understand That:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

| COUNT NO. | OFFENDER SCORE | STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements) | PLUS Enhancements* | COMMUNITY CUSTODY | MAXIMUM TERM AND FINE |
|-----------|----------------|----------------------------------------------------------------|--------------------|-------------------|-----------------------|
| 1 | 1 | 149-198 months to life | — | Life | Life / \$50,000 — |
| 2 | | | | | |
| 3 | | | | | |

*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (P16) Passenger(s) under age 16.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines, fees, assessments, or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may

be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

- (f) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for 36 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001: (i) Sentencing under RCW 9.94A.507: If this offense is any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

- (aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

| | |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Rape in the first degree | Rape in the second degree |
| Rape of a child in the first degree committed when I was at least 18 years old | Rape of a child in the second degree committed when I was at least 18 years old |
| Child molestation in the first degree committed when I was at least 18 years old | Indecent liberties by forcible compulsion |
| Any of the following offenses with a finding of sexual motivation: | |
| Murder in the first degree | Murder in the second degree |
| Homicide by abuse | Kidnapping in the first degree |
| Kidnapping in the second degree | Assault in the first degree |
| Assault in the second degree | Assault of a child in the first degree |
| Assault of a child in the second degree | Burglary in the first degree |

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

| | |
|--------------------------------------------------------------------|-------------------------------------------|
| Rape in the first degree | Rape in the second degree |
| Rape of a child in the first degree | Rape of a child in the second degree |
| Child molestation in the first degree | Indecent liberties by forcible compulsion |
| Any of the following offenses with a finding of sexual motivation: | |
| Murder in the first degree | Murder in the second degree |
| Homicide by abuse | Kidnapping in the first degree |
| Kidnapping in the second degree | Assault in the first degree |
| Assault in the second degree | Assault of a child in the first degree |
| Assault of a child in the second degree | Burglary in the first degree |

(ii) If this offense is a sex offense that is not listed in paragraph 6(f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex offender, and this is my second or subsequent conviction of that crime, the judge will sentence me to community custody for 36 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006: For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.

2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes special allegation that the victim of the offense was under 15 years of age at the time of the offense.

3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

Community Custody Violation: If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

RAY
(g)

The prosecuting attorney will make the following recommendation to the judge:

RAK
☒ The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

RAK (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so (except as provided in paragraph 6(f)). I understand the following regarding exceptional sentences:

- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
- (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

RAK (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

RAK (j) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

RAK (k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

RAK (l) Government assistance may be suspended during any period of confinement.

RAK (m) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.

RAK (n) I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already

has a sample from me for a qualifying offense. I will be required to pay a \$100.00 DNA collection fee.

RAV
(o)

I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

Notification Relating to Specific Crimes: If any of the following paragraphs **DO NOT APPLY**, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that **DO APPLY**.

RAV
(p)

This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree, with a finding of sexual motivation, or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

RAV
(q)

Special sex offender sentencing alternative: In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11:

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of the minimum term of confinement for a sex offense listed in paragraph 6(f)(i),

I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement if I committed the crime prior to July 1, 2005, or up to 12 months with no early release if I committed the crime on or after July 1, 2005; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

- _____ (r) If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- _____ (s) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- _____ (t) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.
- _____ (u) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked, or denied. Following the period of suspension, revocation, or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.
- _____ (v) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.
- _____ (w) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.

- _____ (x) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(p).
- _____ (y) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- _____ (z) I may be required to register as a felony firearm offender under RCW 9A.41. _____. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.
- _____ (aa) The offense(s) I am pleading guilty to include a deadly weapon, firearm or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.
- _____ (bb) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second, or third degree or child molestation in the first, second or third degree, and I engaged, agreed or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.
- _____ (cc) If I am pleading guilty to patronizing a prostitute or commercial sexual abuse of a minor, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.

Rm 7. I plead guilty to:

count one
count _____
count _____
count _____
in the original Information. I have received a copy of that Information.

Rm 8. I make this plea freely and voluntarily.

Rm 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10.

No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11.

The judge has asked me to state what I did in my own words that makes me guilty of this crime.

This is my statement: On or about the period beginning April 11, 2014 and ending April 13, 2014, I had sexual contact with M.A.R. who was less than 12 years old and not married to me and I was at least 36 months older than M.A.R. in Grays Harbor County, Washington.

12.

☒ Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Brian Andrew Bays
Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Eric M. Lypha
Defendant's Lawyer

[Signature]
Prosecuting Attorney

[Signature]
Print Name

34097
WSBA No.

Eric M. Lypha
Print Name

28935
WSBA No.

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- ☐ (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- ☐ (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

2/17/14



Judge

Case Name State v. Ryan A. Roquin Cause No. 14-1-203-6

"Offender Registration" Attachment: sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.128. (If required, attach to Statement of Defendant on Plea of Guilty.)

1. General Applicability and Requirements: Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.128, I will be required to register.

If I am a resident of Washington, I must register with the sheriff of the county of the state of Washington where I reside. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of the state of Washington where I will be residing.

If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of my school, where I am employed, or where I carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If I move to Washington or if I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state.

3. Change of Residence Within State: If I change my residence within a county, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of residence to the sheriff within three business days of moving. If I change my residence to a new county within this state, I must register with the sheriff of the new county within three business days of moving. Also within three business days, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of address to the sheriff of the county where I last registered.

4. Leaving the State or Moving to Another State: If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If I move out of state, I must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): I must give notice to the sheriff of the county where I am registered within three business days:

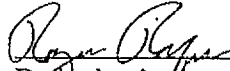
- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) After any termination of enrollment or employment at a school or institution of higher education.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if I do not have a fixed residence, I am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody.

Within three business days after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

Date: 2-17-15


Defendant's signature

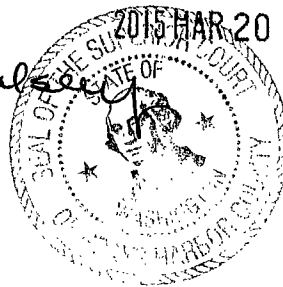
Attachment D
14-1-203-6 J&S

Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

Done this AUG 24 2016 day of

Cheryl Brown, Clerk By Cindy B. Brown
Deputy Clerk



2015 MAR 20 PM 4:21

WARR CLK 3
DOC 2
DOL 1
F/U 1
ABST 1
S G 2
PROS 2
FN COL 1
OFR (FAX) 1
GHHD 1

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

State of Washington,

Plaintiff,

vs.

RYAN A. ROCQUIN,

Defendant,

PCN:

SID:

DOB: 10-12-1981

No. 14-1-203-6

**Felony Judgment and Sentence --
Prison**

☒ **RCW 9.94A.507 Prison Confinement
(Sex Offense and Kidnapping of a Minor)
(FJS)**

☒ **Clerk's Action Required, para 2,1, 4.1, 4.3a,
4.3b, 4.8, 5.2, 5.3, 5.5 and 5.7**

☐ **Defendant Used Motor Vehicle**

☐ **Juvenile Decline** ☐ **Mandatory** ☐ **Discretionary**

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

2.1 Current Offenses: The defendant is guilty of the following offenses, based upon guilty plea (date)
February 17, 2015:

| Count | Crime | RCW (w/subsection) | Class | Date of Crime |
|-------|---------------------------------------|-----------------------|-------|----------------------------------------------------------------|
| 1 | CHILD MOLESTATION IN THE FIRST DEGREE | 9A.44.083 | A | The period beginning April 11, 2014, and ending April 13, 2014 |

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

(If the crime is a drug offense, include the type of drug in the second column.)

☒ The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.507.

☐ The victim was under 15 years of age at the time of the offense in Count _____ RCW 9.94A.837.

☐ The defendant acted with sexual motivation in committing the offense in Count _____ RCW 9.94A.835.

☒ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

| Crime | Date of Crime | Sentencing Court (County & State) | A or J (Adult or Juvenile) | Type of Crime | Points | DV* |
|--------------------------------|---------------|--------------------------------------|-------------------------------|---------------|--------|-----|
| Sexual Exploitation of a Minor | 2014 | Grays Harbor, WA 14-1-376-8 | A | F | 3 | |

Felony Judgment and Sentence (FJS) (Prison)
(Sex Offense and Kidnapping of a Minor Offense)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (06/2014))

Page 1 of 10

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| | | | | | | |
|----------------------------------|------|--------------------------------|---|---|---|--|
| Poss. Depictions 1 st | 2014 | Grays Harbor, WA 14-1-376-8 | A | F | 3 | |
| Poss. Depictions 2 nd | 2014 | Grays Harbor, WA 14-1-376-8 | A | F | 3 | |

*DV: Domestic Violence was pled and proved.

2.2 Criminal History (RCW 9.94A.525):

The defendant has no known felony convictions.

2.3 Sentencing Data:

| Count No. | Offender Score | Serious-ness Level | Standard Range (not including enhancements) | Plus Enhancements* | Total Standard Range (including enhancements) | Maximum Term |
|-----------|----------------|--------------------|---------------------------------------------|--------------------|-----------------------------------------------|---------------|
| 1 | 9 | X | 149 to 198 months to Life | NONE | 149 to 198 months to Life | LIFE/\$50,000 |

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Veh. Hom. see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement with firearm, RCW 9.94A.533(12), (PI6) Passenger(s) under age 16.

☒ Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended sentencing agreements or plea agreements are ☐ attached ☒ as follows: 198 months to Life.

2.4 ☐ Exceptional Sentence. The court finds substantial and compelling reasons that justify an exceptional sentence:

☐ below the standard range for Count(s) _____.

☐ above the standard range for Count(s) _____.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury, by special interrogatory.

☐ within the standard range for Count(s) _____, but served consecutively to Count(s) _____.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 Legal Financial Obligations/Restitution. The court has considered the total amount owing, the defendant's present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. (RCW 10.01.160). The court makes the following specific findings:

☒ The defendant has/will have the ability to pay restitution and legal financial obligations in the future.

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

☐ The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

☐ (Name of agency) _____'s costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).

2.6 ☐ **Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9A.10.010.

☐ The court considered the following factors:

☐ the defendant's criminal history.

☐ whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

☐ evidence of the defendant's propensity for violence that would likely endanger persons.

☐ other: _____

☐ The court decided the defendant ☐ should ☐ should not register as a felony firearm offender.

III. Judgment

3.1 The defendant is **guilty** of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

IV. Sentence and Order

It is ordered:

4.1 **Confinement.** The court sentences the defendant to total confinement as follows:

- (a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

_____ months on Count _____

☐ The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

☐ The confinement time on Count _____ includes _____ months as enhancement for ☐ firearm ☐ deadly weapon ☐ sexual motivation ☐ VUCSA in a protected zone ☐ manufacture of methamphetamine with juvenile present ☐ sexual conduct with a child for a fee.

Actual number of months of total confinement ordered is: _____.

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above at Section 2.3. and except for the following counts which shall be served consecutively: _____.

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): _____.

Confinement shall commence immediately unless otherwise set forth here: _____.

- (b) **Confinement.** RCW 9.94A.507 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:

| | | | | | |
|-------|----------|---------------|-------------------|---------------|--------------------------|
| Count | <u>1</u> | minimum term: | <u>198 months</u> | maximum term: | <u>Statutory Maximum</u> |
| Count | _____ | minimum term: | _____ | maximum term: | <u>Statutory Maximum</u> |

- (c) **Credit for Time Served.** The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

- (d) ☐ **Work Ethic Program.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for remaining time of confinement.

4.2 Community Custody. (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701, RCW 10.95.030(3))

(A) The defendant shall be on community custody for:

Count(s) _____ 36 months Sex Offenses
Count(s) _____ 36 months for Serious Violent Offenses
Count(s) _____ 18 months for Violent Offenses
Count(s) _____ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(Sex offenses, only) For Count 1, sentenced under RCW 9.94A.507, for any period of time the defendant is released from total confinement before the expiration of the statutory maximum: LIFE

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) for sex offenses, submit to electronic monitoring if imposed by DOC; and (10) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody. For sex offenders sentenced under RCW 9.94A.709, the court may extend community custody up to the statutory maximum term of the sentence.

The court orders that during the period of supervision the defendant shall:

☐ consume no alcohol.

☐ have no contact with: _____

☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit: _____

☐ not reside within 880 feet of the facilities or grounds of a public or private school (community protection zone). RCW 9.94A.030.

☐ participate in an education program about the negative costs of prostitution.

☐ participate in the following crime-related treatment or counseling services: _____

☐ undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse

☐ mental health ☐ anger management, and fully comply with all recommended treatment. _____

☒ comply with the following crime-related prohibitions: The defendant shall have no crimes against persons; No registration offenses.

☒ Other conditions:

1. The defendant shall follow all sex offender registration requirements.
2. The defendant shall have no contact with juveniles under 18 years of age.
3. The defendant shall obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be from a State-certified therapist approved by his CCO.
4. The defendant shall submit to polygraph examinations to monitor compliance with conditions and/or treatment at the direction of CCO and/or therapist. Must not be found deceptive.
10. The defendant shall not possess, use, or have access to, any computer or device with any access to the internet, except as approved by DOC.

(C) For sentences imposed under RCW 9.94A.507, the Indeterminate Sentence Review Board may impose other conditions (including electronic monitoring if DOC so recommends). In an emergency, DOC may impose other conditions for a period not to exceed seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

(D) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:

- (i) As long as the defendant's conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not committed any crimes after he or she turned 18 or committed a major violation in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 20 years.
- (ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. The defendant will be required to comply with any conditions imposed by the Board.

4.3a Legal Financial Obligations: The defendant shall pay to the clerk of this court:

JASS CODE

| | | | |
|-----|----------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------|
| PCV | \$ 500.00 | Victim assessment | RCW 7.68.035 |
| CRC | \$ 700.00 | Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190 | |
| | \$ 400.00 | DNA collection fee | RCW 43.43.7541 |
| PUB | \$ _____ | Fees for court appointed attorney | RCW 9.94A.760 |
| | \$ 675.78 | Restitution to: Adam Maurer, 1425 View Ave., Centralia, WA 98531 | |
| | \$ 398.10 | Restitution to: <u>Crime Victims Compensation Program: Dept. of Labor and Industries: POB 44520, Olympia, WA 98504-4520: #VR93511</u> | |

\$ _____ **Total** RCW 9.94A.760

☒ The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☒ shall be set by the prosecutor.

☐ is scheduled for _____ (date).

☒ The defendant waives any right to be present at any restitution hearing (sign initials): _____

☐ **Restitution** Schedule attached.

☒ The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

☒ All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____.
RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

- ☐ The court orders the defendant to pay costs of incarceration at the rate of \$_____ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

- 4.3b** ☐ **Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____, for the cost of pretrial electronic monitoring in the amount of \$_____.

- 4.4 DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

- ☒ **HIV Testing.** The defendant shall submit to HIV testing. RCW 70.24.340.

4.5 No Contact:

- ☒ The defendant shall not have contact with (name) + Melissa Mauer + her immediate family M.A.R. including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE (which does not exceed the maximum statutory sentence).

- ☒ The defendant is excluded or prohibited from coming within 100 yards (distance) of:
☒ Melissa Mauer (name of protected person(s))'s
☒ home/ residence ☒ work place ☐ school ☐ (other location(s))

_____, or
☐ other location: _____,
for _____. (which does not exceed the maximum statutory sentence).

- ☒ A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order, Stalking No-Contact Order, or Sexual Assault Protection Order is filed concurrent with this Judgment and Sentence.

4.6 Other:

- 4.7 Off-Limits Order:** (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

- 4.8 Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

V. Notices and Signatures

- 5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

- 5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial

obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 Notice of Income-Withholding Action. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 Community Custody Violation.

(a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633.

(b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.714.

5.5a Firearms. You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040 and RCW 9.41.047.

5.5b ☐ Felony Firearm Offender Registration. The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

5.6 Sex and Kidnapping Offender Registration. RCW 9A.44.128, 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.128, you are required to register.

If you are a resident of Washington, you must register with the sheriff of the county of the state of Washington where you reside. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of the state of Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of your school, where you are employed, or where you carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If you move to Washington or if you leave this state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state.

3. Change of Residence Within State: If you change your residence within a county, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of residence to

the sheriff within three business days of moving. If you change your residence to a new county within this state, you must register with the sheriff of the new county within three business days of moving. Also within three business days, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you last registered.

4. Leaving the State or Moving to Another State: If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the state, you must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): You must give notice to the sheriff of the county where you are registered within three business days:

- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) after any termination of enrollment or employment at a school or institution of higher education.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within three business days of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within three business days after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register with the sheriff of the new county not more than three business days after entering the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

5.7 ☐ Department of Licensing Notice: The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. **Clerk's Action** –The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. **Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information):**

- ☐ Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of _____.
- ☐ No BAC test result.
- ☐ BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
- ☐ Drug Related. The defendant was under the influence of or affected by any drug.
- ☐ THC level was _____ within two hours after driving.
- ☐ Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

Vehicle Info.: ☐ Commercial Veh.; ☐ 16 Passenger Veh.; ☐ Hazmat Veh..

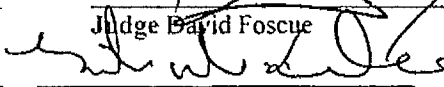
5.8 Other: _____

Done in Open Court and in the presence of the defendant this date:

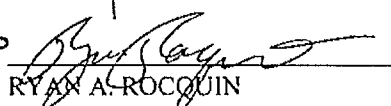
3/20/15



KATHERINE L. SVOBODA
Prosecuting Attorney
WSBA No. 34097



ERIK M. KUPKA
Attorney for Defendant
WSBA No. 28835



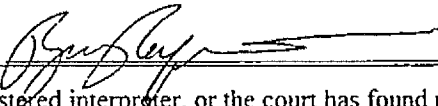
RYAN A. ROCQUIN
Defendant

Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature:



I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the _____ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

VI. Identification of the Defendant

SID No. _____
(If no SID complete a separate Applicant card
(form FD-258) for State Patrol)

Date of Birth 10-12-1981

FBI No. _____

Local ID No. _____

PCN No. _____

Other _____

Alias name, DOB: _____

Race:

☐ Asian/Pacific Islander ☐ Black/African-American ☒ Caucasian

☐ Native American ☐ Other: _____

Ethnicity:

☐ Hispanic

☐ Non-Hispanic

Sex:

☒ Male

☐ Female

Fingerprints: I attest that I saw the defendant who appeared in court affix his or her fingerprints and signature on this document.

Clerk of the Court, Deputy Clerk, _____ Dated: _____

The defendant's signature:

| | | | |
|----------------------------------------|---------------|----------------|-----------------------------------------|
| Left four fingers taken simultaneously | Left Thumb | Right Thumb | Right four fingers taken simultaneously |
| | | | |

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF Grays Harbor

| | | |
|---------------------|---|------------------------------------|
| STATE OF WASHINGTON |] | Cause No.: 14-1-203-6 & 14-1-376-8 |
| |] | |
| Plaintiff |] | |
| v. |] | JUDGMENT AND SENTENCE (FELONY) |
| Ryan A. Rocquin | | APPENDIX H |
| |] | COMMUNITY PLACEMENT / CUSTODY |
| Defendant |] | |
| |] | |
| DOC No. 380668 |] | |

The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

COMMUNITY PLACEMENT/CUSTODY: Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.507 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.728 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.602 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

14-1-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

Page 1 of 3

(a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A:505);
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set forth in writing by the Community Corrections Officer.

WAIVER: The following above-listed mandatory conditions are waived by the Court:

(b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

- (10) Residence and or living situation must be approved in advance by the CCO.
- (11) Maintain employment as approved by CCO.
- (12) Submit to affirmative acts necessary to monitor compliance.
- (13) Submit to urinalysis testing as directed by CCO.
- (14) Abide by all Sex Offender Registration Laws of the state of Washington.
- (15) Obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be from a therapist approved by his/her CCO.
- (16) No contact with the victims, M.A.R and the victim's family either oral, written or through a third party for life.
- (17) No contact with minors under 18 years of age.
- (18) Do not change therapist or treatment provider without prior approval of the CCO and the treatment provider.
- (19) Submit to polygraph and plethysmograph examinations as directed by the CCO.
- (20) Do not access the internet, email or any and all social media sites without permission from CCO and treatment provider.
- (21) Do not possess or ~~pursue~~ ^{possess} any sexually explicit material.
- (22) Do not enter x-rated movies, peep shows, or adult book stores.
- (23) Do not purchase, possess, or use any illegal controlled substance, or drug paraphernalia without the written prescription of a licensed physician.
- (24) Submit to all testing and reasonable searches of your person, residence and vehicle or personal

14-1-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

Page 2 of 3

- property.
- (25) Do not purchase, possess, or consume alcohol.
 - (26) Do not enter any business where alcohol is the primary commodity for sale.
 - (27) Consent to home visits by the Department of Corrections to monitor compliance of supervision.
 - (27) Obey all laws.
 - (28) Do not loiter or frequent places where children congregate; including, but not limited to shopping malls, schools, playgrounds and video arcades.
 - (29) Abide by global positioning system (GPS) monitoring as directed by the Court, the Community Custody Board or the Department of Corrections.

DATE

3/20/15

JUDGE, David Foscue COUNTY SUPERIOR COURT

14-1-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

Page 3 of 3

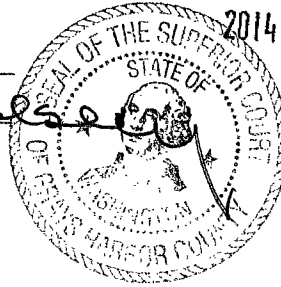
Attachment E
14-1-376-8 Information

Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

Done this AUG 24 2016 day of

Cheryl Brown, Clerk By Candy Bals
Deputy Clerk



2014 SEP 18 PM 4:23

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

RYAN ANDRE ROCQUIN,

Defendant.

No.:

14-1-376-8

INFORMATION

I, Gerald R. Fuller, Interim Prosecuting Attorney for Grays Harbor County, in the name and by the authority of the State of Washington, by this Amended Information do accuse the defendant of the crime(s) of SEXUAL EXPLOITATION OF A MINOR, POSSESSION OF DEPICTIONS OF A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT IN THE FIRST DEGREE and POSSESSION OF DEPICTIONS OF A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT IN THE SECOND DEGREE, committed as follows:

COUNT 1.

That the said defendant, Ryan Andre Rocquin, in Grays Harbor County, Washington, on or on or about the period beginning April 11, 2014, and ending April 13, 2014, did compel, aid, invite, employ, authorize, or cause M.A.R., a person under 18 years of age, to engage in sexually explicit conduct, knowing that such conduct would be photographed;

CONTRARY TO RCW 9A.68A.040 and against the peace and dignity of the State of Washington.

COUNT 2.

And I, Gerald R. Fuller, Interim Prosecuting Attorney aforesaid, by and through Chief Criminal Deputy, Katherine L. Svoboda, further do accuse the defendant of the crime of POSSESSION OF DEPICTIONS OF MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT

1 IN THE FIRST DEGREE, a crime based on a series of acts connected together with Count 1,
2 committed as follows:

3 That the said defendant, Ryan Andre Rocquin, in Grays Harbor
4 County, Washington, on or about April 17, 2014, did knowingly
5 possess a visual or printed matter depicting a minor engaged in
6 sexually explicit conduct involving actual or simulated: sexual
intercourse, penetration of the vagina or rectum by any object,
and/or masturbation;

7 CONTRARY TO RCW 9A.68A.070(1) AND 9.68A.011(4)(a) through (c) and against the peace and
8 dignity of the State of Washington

9 **COUNT 3.**

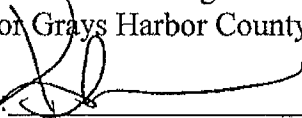
10 And I, Gerald R. Fuller, Interim Prosecuting Attorney aforesaid, by and through Chief
11 Criminal Deputy, Katherine L. Svoboda, further do accuse the defendant of the crime of
12 POSSESSION OF DEPICTIONS OF MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT
IN THE SECOND DEGREE, a crime based on a series of acts connected together with Counts 1 and
2, committed as follows:

13 That the said defendant, Ryan Andre Rocquin, in Grays Harbor
14 County, Washington, on or about April 17, 2014, did knowingly
15 possess any visual or printed matter depicting a minor engaged in
16 sexually explicit conduct involving actual or simulated depiction of
the genitals or unclothed pubic or rectal areas of any minor for the
purpose of sexual stimulation of the viewer;

17 CONTRARY TO RCW 9.68A.070(2) and 9.68A.011(f) and against the peace and dignity of the State
18 of Washington.

19 DATED this 18th day of September, 2014.

20
21 GERALD R. FULLER
Interim Prosecuting Attorney
for Grays Harbor County

22
23 By: 
24 KATHERINE L. SVOBODA
Chief Criminal Deputy
25 WSBA #34097

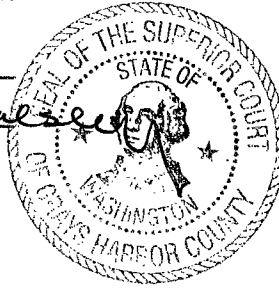
26 KLS/ws

Attachment F
14-1-376-8 Plea Agreement

Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this AUG 24 day of 2016

Cheryl Brown, Clerk By Randy Balse
Deputy Clerk



FILED
GRAY'S HARBOR COUNTY
C. BROWN, CLERK

2015 FEB 17 AM 9:42

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

RYAN A. ROCQUIN,

Defendant.

No.: 14-1-376-8

PLEA AGREEMENT
SEX OFFENSE

I. PLEA AGREEMENT

The State of Washington and the above-named defendant enter into this Plea Agreement, which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to the entry of the guilty plea. This plea agreement is only binding upon the defendant and the Grays Harbor Prosecuting Attorney's Office. The plea agreement is as follows:

- 1.1 ☒ **PLEA:** The defendant shall plead guilty to Count(s) 1, 2, and 3 of the ☒ original information: Child Molestation 1st Degree ☐ amended information: (a) (b)
- ☒ The current offense ☒ is (Sexual Exploitation) / ☐ is not a predicate Most Serious Offense under RCW 9.94 – Persistent Offender Accountability Act.
- ☐ The current offense may require the defendant to register as a firearm offender if the court so orders. The State ☐ will / ☐ will not be recommending that the defendant be required to register as a firearm offender, RCW 9.41.330.
- ☐ The current offense is subject to indeterminate sentencing pursuant to RCW 9.94A.507.
- 1.2 ☐ **SPECIAL FINDING:** The defendant agrees that there should be a special finding as follows: ☐ Defendant was armed with a firearm; ☐ Defendant was armed with a deadly weapon; ☐ The offense was sexually motivated on Count(s)

21

1.3 ☐ **AGGRAVATING CIRCUMSTANCES:** Defendant to admit to the following

aggravating circumstances: *State agrees not to allege any aggravating circumstances* (E)

1.4 ☐ **DISMISS COUNTS/VIOLATIONS OF JUDGMENT & SENTENCE:** Upon sentencing in the above count(s), the State moves to dismiss:

☐ Count(s) _____ in Cause No(s)

☐ Violations of Judgment & Sentence in Cause No(s).

☐ Agree not to file further charges in police agency No(s).

1.5 ☐ **OTHER:**

1.6 ☐ **REAL FACTS OF HIGHER, MORE SERIOUS, OR ADDITIONAL CRIMES:**
In accordance with RCW 9.94A0530 and .537, the parties agree that in sentencing, the court may consider the following as real and material facts:

1.7 ☒ **AGREEMENT OF CRIMINAL HISTORY:** The Defendant agrees that the Prosecutor's statement of the defendant's criminal history (as listed below per RCW 9.94A.525) is accurate and complete, as known to the parties at the time of the plea. The parties further agree that the defendant was represented by counsel or waived counsel at the time of each prior conviction.

1.8 ☒ **PROSECUTOR'S STATEMENT OF DEFENDANT'S CRIMINAL HISTORY:**

☒ No known felony convictions

☒ Other current convictions:

| <i>Crime</i> | <i>Date of Crime</i> | <i>Sentencing Court (County & State)</i> | <i>A or J (Adult or Juvenile)</i> | <i>Type of Crime</i> | <i>Points</i> | <i>DV*</i> |
|----------------------------------|----------------------|----------------------------------------------|-----------------------------------|----------------------|---------------|------------|
| Sexual Exploitation of a Minor | 2014 | Grays Harbor, WA 14-1-376-8 | A | F | 3 | |
| Poss. Depictions 1 st | 2014 | Grays Harbor, WA 14-1-376-8 | A | F | 3 | |
| Poss. Depictions 2 nd | 2014 | Grays Harbor, WA 14-1-376-8 | A | F | 3 | |

*DV: Domestic Violence was pled and proved.

☐ Defendant was on community custody at the time of the offense (+1 point)

1.9 ☒ **SENTENCING DATA:** The defendant agrees that the following is accurate:

| Count | Offender Score | Seriousness Level | Standard Range | Plus Enhancements | Total Standard Range | Maximum Term |
|-------|----------------|-------------------|----------------|-------------------|----------------------|-------------------|
| 1 | 9 | IX | 129-171 months | NONE | 129-171 months | 10 years/\$20,000 |
| 2 | 9 | VI | 77-102 months | NONE | 77-102 months | 10 years/\$20,000 |
| 3 | 9 | V | 72-96 months | NONE | 72-96 months | 5 years/\$10,000 |

This sentence shall run concurrent with Grays Harbor Superior Court

1.10 **SENTENCE RECOMMENDATION:** The State will recommend the following:

Cause No.

14-1-203-6

(a) **COSTS, FINES AND ASSESSMENTS:**

☒ Court costs: \$110.00 / \$200.00;

☒ Victim/Witness Assessment: \$250.00 / \$500.00;

☒ DNA Collection Fee: \$100.00, unless found indigent by the court;

☐ Domestic Violence Assessment: \$100.00;

☐ Attorney's Fees: \$500.00;

☐ Fine: \$

☐ Contribution to Grays Harbor Inter-Agency Drug Task Force Fund or _____ Drug Fund:

\$

☐ \$100.00 Washington State Patrol Crime Lab Fee;

☐ \$1000.00 / \$2000.00 / \$3000.00 mandatory fine, unless found indigent by the court.

(b) **CONFINEMENT:**

Count 1: 171 months

Count 2: 102 months

Count 3: 96 months

Count 4: _____

☐ _____ days of jail converted to _____ hours of community service on Count(s) _____.

☐ Credit for up to 30 days confinement for successful completion of in-patient treatment.

(d) **OTHER CONDITIONS:**

☒ Community supervision / placement / custody:

- ☒ 36 months, or as required by law.
- ☐ Community custody pursuant to RCW 9.94A.507, for any period of time Defendant is released from total confinement before expiration of the maximum sentence:
- ☐ Gross Misdemeanor
- ☐ Misdemeanor
- ☐ _____ months probation.
- ☒ Crime Related Prohibitions:
- ☐ Any and all criminal acts
- ☐ No violations of RCW Title 69
- ☒ No crimes against persons; No registration offenses;
- ☒ Comply with all conditions of community custody/placement as imposed by the Department of Corrections (DOC) and his/her community corrections officer (CCO).
- ☒ While on community custody or placement, the defendant shall:
1. Report to and be available for contact with the assigned CCO as directed.
 2. Work at DOC approved education, employment and /or community service/restitution.
 3. Pay supervision fees as determined by DOC.
 4. Perform affirmative acts as necessary to monitor compliance with the orders of the court as required by DOC.
 5. Have prior DOC approval for all residence locations and living arrangements.
- ☐ Exceptional Sentence.
- ☒ No contact with M.R. for a period of LIFE, pursuant to RCW 9.94A.505.
- ☒ No possession, ownership, or control of firearms pursuant to RCW 9.41.040.
- ☐ Complete *alcohol / drug / domestic violence* evaluation by a state-certified agency within 45 days of release and successfully complete any recommended treatment.
- ☒ Not possess or consume controlled substances, nor possess drug paraphernalia without a valid prescription with random urinalysis to ensure compliance.
- ☐ Not drive a motor vehicle without a valid license and insurance.
- ☐ Other:
- ☒ The defendant shall:
- ☐ Not consume or possess any controlled substances or drug paraphernalia without a valid prescription;
- ☐ Not consume or possess alcoholic beverages;
- ☐ Submit to random urine/breath testing to monitor alcohol/drug-free status as requested by his/her CCO;

- ☒ Follow all sex offender registration requirements;
- ☒ Have no contact with juveniles under 18 years of age;
- ☐ Have no contact with juveniles under 18 years of age unless under supervision of an adult who is aware of this conviction and the conditions of supervision and approved by his/her therapist and CCO. The parents of any juveniles must also be aware of this conviction;
- ☒ Obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be from a State-certified therapist approved by his/her CCO;
- ☒ Submit to polygraph examinations to monitor compliance with conditions and/or treatment at the direction of CCO and/or therapist. Must not be found deceptive;
- ☒ Not possess, use, or have access to, any computer or device with any access to the internet.

except as approved by DCE & (a)

1.11 ☒ **RESTITUTION:** ☒ Charged crimes ☐ Uncharged crimes ☒ Agreed ☐ Disputed

To: M.R. for counseling/therapy Amount: \$TBD

To: _____ Amount: \$ _____

1.12 The State's recommendation will increase in severity if additional criminal convictions are found which were not know to the State or disclosed by the defendant prior to the plea of guilty, or, if the defendant commits any new crimes, fails to appear at sentencing, or violates the conditions of release. I understand that in the event additional criminal history is found that my standard range may increase. I understand and agree my failure to disclose prior criminal history, or the discovery of new criminal history, will not serve as the basis for withdrawal of my plea of guilty.

1.13 ☐ The following Appendices are attached and incorporated by reference as part of this Plea Agreement:

1.14 I have been advised and understand:

(1) That I have the right to appeal my conviction; (2) That I have the right to appeal my sentence if the sentence imposed is outside the standard range or under certain other circumstances; (3) That unless a notice of appeal is filed within thirty days after the entry of the judgment or order appealed from, the right to appeal is irrevocably waived; (4) That the Superior Court clerk will, if requested, supply a notice of appeal form and file it upon completion by me; (5) That I have the right, if I cannot afford it, to have counsel appointed and to have portions of the trial record necessary for review of assigned errors transcribed at public expense for an appeal; (6) that, pursuant to RCW 10.73.090, I have the right to collaterally attack my conviction within one year after the judgment becomes final; (7) That the time limits for collateral attack do not apply if there is newly discovered evidence if discovered with reasonable diligence, or if the statute is unconstitutional, or if the conviction was barred by the double jeopardy clauses, or if the evidence at trial was insufficient, or if there was a significant change in the law material to the conviction which applies

retroactively, or if the sentence was outside the court's jurisdiction, pursuant to RCW 10.73.100. CrR7.2(b)

Date: 02-17-15

RYAN A. ROCQUIN
Defendant

Date: 02-17-15

Attorney for Defendant
WSBA # 24835

Date: 2/17/15

KATHERINE L. SVOBODA
Prosecuting Attorney
WSBA #34097

II. COURT APPROVAL

The court, having reviewed the above Plea Agreement, and having heard the statements of counsel regarding the reasons for the above Plea Agreement, finds:

- (a) ☒ The Plea Agreement is consistent with the interests of justice and the prosecutorial standards.
- (b) ☐ The Plea Agreement is not consistent with the interests of justice and the prosecutorial standards. Neither party is bound by the Plea Agreement, and the defendant may withdraw the plea of guilty.

Date: 2/17/14

JUDGE

III. INTERPRETER CERTIFICATION

I am a certified interpreter or have been found by the court to interpret in the language _____, which the defendant understands, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Date: _____

INTERPRETER

Attachment G

14-1-376-8 Statement on Plea

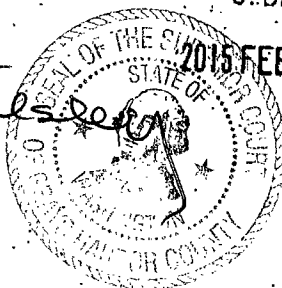
Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this AUG 24 2016 day of

Cheryl Brown, Clerk By Gentry Balz
Deputy Clerk

FILED
GRAY HARBOR COUNTY
C. BROWN, CLERK

2015 FEB 17 AM 9:48



Superior Court of Washington
For Grays Harbor

State of Washington

Plaintiff

vs.

Ryan André Rocquin

Defendant

No. 14-1-376-8

Statement of Defendant on Plea of
Guilty to Sex Offense
(Felony)
(STTDFG)

1. My true name is: Ryan André Rocquin

2. My age is: 33 - DOB: 10.12.81

3. The last level of education I completed was 12th grade + Master's Degree in Special Education

4. I Have Been Informed and Fully Understand That:

(a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: ① Sexual Exploitation of a Minor ② Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the First Degree and ③ Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the Second Degree

5. I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

The essential elements of each charge are set forth in the Information and attached as Exhibit A to this statement

- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

QMF 6.

In Considering the Consequences of My Guilty Plea, I Understand That:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

| COUNT NO. | OFFENDER SCORE | STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements) | PLUS Enhancements* | COMMUNITY CUSTODY | MAXIMUM TERM AND FINE |
|-----------|----------------|----------------------------------------------------------------|--------------------|-------------------|-----------------------|
| 1 | 9 | 129-171 mos | — | | 10 yrs / \$20,000 |
| 2 | 9 | 77-102 mos | — | | 10 yrs / \$20,000 |
| 3 | 9 | 72-96 mos | — | | 5 yrs / \$10,000 |

*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (P16) Passenger(s) under age 16.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines, fees, assessments, or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may

be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

Ans (f)

For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for 36 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001: (i) Sentencing under RCW 9.94A.507: If this offense is any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

| | |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Rape in the first degree | Rape in the second degree |
| Rape of a child in the first degree committed when I was at least 18 years old | Rape of a child in the second degree committed when I was at least 18 years old |
| Child molestation in the first degree committed when I was at least 18 years old | Indecent liberties by forcible compulsion |
| Any of the following offenses with a finding of sexual motivation: | |
| Murder in the first degree | Murder in the second degree |
| Homicide by abuse | Kidnapping in the first degree |
| Kidnapping in the second degree | Assault in the first degree |
| Assault in the second degree | Assault of a child in the first degree |
| Assault of a child in the second degree | Burglary in the first degree |

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

| | |
|--------------------------------------------------------------------|-------------------------------------------|
| Rape in the first degree | Rape in the second degree |
| Rape of a child in the first degree | Rape of a child in the second degree |
| Child molestation in the first degree | Indecent liberties by forcible compulsion |
| Any of the following offenses with a finding of sexual motivation: | |
| Murder in the first degree | Murder in the second degree |
| Homicide by abuse | Kidnapping in the first degree |
| Kidnapping in the second degree | Assault in the first degree |
| Assault in the second degree | Assault of a child in the first degree |
| Assault of a child in the second degree | Burglary in the first degree |

(ii) If this offense is a sex offense that is not listed in paragraph 6(f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex offender, and this is my second or subsequent conviction of that crime, the judge will sentence me to community custody for 36 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006: For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.

2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes special allegation that the victim of the offense was under 15 years of age at the time of the offense.

3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

Community Custody Violation: If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

AM
(g)

The prosecuting attorney will make the following recommendation to the judge:

NO The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

Rule (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so (except as provided in paragraph 6(f)). I understand the following regarding exceptional sentences:

- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
- (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

Rule (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

Rule (j) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

Rule (k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

Rule (l) Government assistance may be suspended during any period of confinement.

Rule (m) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.

Rule (n) I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already

has a sample from me for a qualifying offense. I will be required to pay a \$100.00 DNA collection fee.

I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

Notification Relating to Specific Crimes: If any of the following paragraphs **DO NOT APPLY**, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that **DO APPLY**.

 (p) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree, with a finding of sexual motivation, or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

 (q) **Special sex offender sentencing alternative:** In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of the minimum term of confinement for a sex offense listed in paragraph 6(f)(i),

I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement if I committed the crime prior to July 1, 2005, or up to 12 months with no early release if I committed the crime on or after July 1, 2005; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

____ (r) If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

____ (s) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

____ (t) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

____ (u) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked, or denied. Following the period of suspension, revocation, or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.

____ (v) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

____ (w) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.

- _____ (x) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[p].
- _____ (y) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- _____ (z) I may be required to register as a felony firearm offender under RCW 9A.41. _____. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.
- _____ (aa) The offense(s) I am pleading guilty to include a deadly weapon, firearm or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.
- _____ (bb) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second, or third degree or child molestation in the first, second or third degree, and I engaged, agreed or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.
- _____ (cc) If I am pleading guilty to patronizing a prostitute or commercial sexual abuse of a minor, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.

AW
7. I plead guilty to:

count one
count two
count three
count _____
in the original Information. I have received a copy of that Information.

AW
8. I make this plea freely and voluntarily.

AW
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10

No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.


11

The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: _____

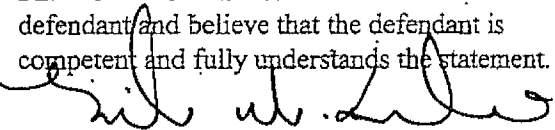
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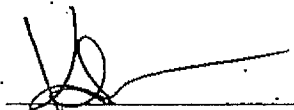
☒ Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

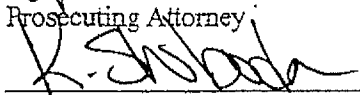
My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

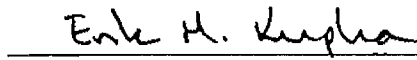

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.


Defendant's Lawyer


Prosecuting Attorney

 31097
Print Name WSBA No.

 29835
Print Name WSBA No.

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- ☐ (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- ☒ (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

2/17/14


Judge

Case Name State v. Ryan A. Roquin Cause No. 14-1-376-8

"Offender Registration" Attachment: sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.128. (If required, attach to Statement of Defendant on Plea of Guilty.)

1. General Applicability and Requirements: Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.128, I will be required to register.

If I am a resident of Washington, I must register with the sheriff of the county of the state of Washington where I reside. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of the state of Washington where I will be residing.

If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register within three business days of being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has jurisdiction over me. I must also register within three business days of my release with the sheriff of the county of my school, where I am employed, or where I carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If I move to Washington or if I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state.

3. Change of Residence Within State: If I change my residence within a county, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of residence to the sheriff within three business days of moving. If I change my residence to a new county within this state, I must register with the sheriff of the new county within three business days of moving. Also within three business days, I must provide, by certified mail, with return receipt requested or in person, signed written notice of my change of address to the sheriff of the county where I last registered.

4. Leaving the State or Moving to Another State: If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If I move out of state, I must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): I must give notice to the sheriff of the county where I am registered within three business days:

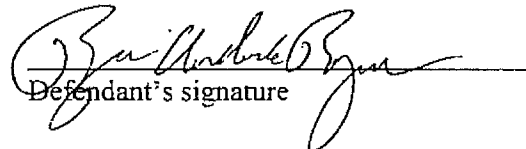
- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) After any termination of enrollment or employment at a school or institution of higher education.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if I do not have a fixed residence, I am required to register. Registration must occur within three business days of release in the county where I am being supervised if I do not have a residence at the time of my release from custody.

Within three business days after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register with the sheriff of the new county not more than three business days after entering the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I must keep an accurate accounting of where I stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

Date: 2-17-15


Defendant's signature

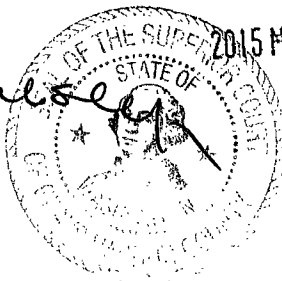
Attachment H
14-1-376-8 J&S

Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

Done this _____ day of AUG 24 2016

Cheryl Brown, Clerk By Candy Balcells
Deputy Clerk



2015 MAR 20 PM 4:25

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SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

State of Washington,

Plaintiff,

vs.

RYAN A. ROCQUIN,

Defendant,

PCN:

SID:

DOB: 10-12-1981

No. 14-1-376-8

**Felony Judgment and Sentence --
Prison**

☐ RCW 9.94A.507 Prison Confinement

(Sex Offense and Kidnapping of a Minor)

(FJS)

☒ Clerk's Action Required, para 2,1, 4.1, 4.3a,
4.3b, 4.8, 5.2, 5.3, 5.5 and 5.7

☐ Defendant Used Motor Vehicle

☐ Juvenile Decline ☐ Mandatory ☐ Discretionary

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

2.1 Current Offenses: The defendant is guilty of the following offenses, based upon guilty plea (date)
February 17, 2015.

| Count | Crime | RCW (w/subsection) | Class | Date of Crime |
|-------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------|-------|-------------------------------------------------------------------|
| 1 | SEXUAL EXPLOITATION OF A MINOR | 9A.68A.040 | B | The period beginning April 11, 2014, and ending April 13, 2014 |
| 2 | POSSESSION OF DEPICTION OF MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT IN THE FIRST DEGREE | 9A.68A.070(1) and 9.68A.011(4)(a) through (c) | B | April 17, 2014 |
| 3 | POSSESSION OF DEPICTIONS OF MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT IN THE SECOND DEGREE | 9.68A.070(2) and 9.68A.011(f) | C | April 17, 2014 |

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

(If the crime is a drug offense, include the type of drug in the second column.)

☐ The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.507.

☐ In count _____ an internet advertisement in which the victim of the crime was described or depicted was instrumental in facilitating the commission of the crime. RCW 9.68A.100, RCW 9.68A.101, or RCW 9.68A.102, Laws of 2013, ch. 9, §1.

☐ The victim was under 15 years of age at the time of the offense in Count _____ RCW 9.94A.837.

☐ The defendant acted with sexual motivation in committing the offense in Count _____ RCW 9.94A.835.

*Felony Judgment and Sentence (FJS) (Prison)
(Sex Offense and Kidnapping of a Minor Offense)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (06/2014))*

Page 1 of 10

7.6

- ☒ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

| Crime | Date of Crime | Sentencing Court (County & State) | A or J (Adult or Juvenile) | Type of Crime | Points | DV* |
|-----------------------------------|---------------|-----------------------------------|----------------------------|---------------|--------|-----|
| Child Molestation 1 st | 2014 | Grays Harbor, WA 14-1-203-6 | A | F | 3 | |

*DV: Domestic Violence was pled and proved.

2.2 Criminal History (RCW 9.94A.525):

The defendant has no known felony convictions.

2.3 Sentencing Data:

| Count No. | Offender Score | Serious-ness Level | Standard Range (not including enhancements) | Plus Enhancements * | Total Standard Range (including enhancements) | Maximum Term |
|-----------|----------------|--------------------|---------------------------------------------|---------------------|-----------------------------------------------|-----------------|
| 1 | 9 | IX | 129 to 171 months | | 129 to 171 months | 10 yrs/\$20,000 |
| 2 | 9 | X | 77 to 102 months | | 77 to 102 months | 10 yrs/\$20,000 |
| 3 | 9 | V | 63 to 84 months | | 63 to 84 months | 5 yrs/\$10,000 |

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement with firearm, RCW 9.94A.533(12), (P16) Passenger(s) under age 16.

- ☐ Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended sentencing agreements or plea agreements are ☐ attached ☐ as follows: _____.

2.4 ☐ Exceptional Sentence. The court finds substantial and compelling reasons that justify an exceptional sentence:

☐ below the standard range for Count(s) _____.

☐ above the standard range for Count(s) _____.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury, by special interrogatory.

☐ within the standard range for Count(s) _____, but served consecutively to Count(s) _____.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 Legal Financial Obligations/Restitution. The court has considered the total amount owing, the defendant's present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. (RCW 10.01.160). The court makes the following specific findings:

- ☒ The defendant has/will have the ability to pay restitution and legal financial obligations in the future.
☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753): _____.

☐ The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

☐ (Name of agency) _____ 's costs for its emergency response are reasonable.
RCW 38.52.430 (effective August 1, 2012).

2.6 ☐ **Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9A.1010.

☐ The court considered the following factors:

☐ the defendant's criminal history.

☐ whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

☐ evidence of the defendant's propensity for violence that would likely endanger persons.

☐ other: _____

☐ The court decided the defendant ☐ should ☐ should not register as a felony firearm offender.

III. Judgment

3.1 The defendant is **guilty** of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

IV. Sentence and Order

It is ordered:

4.1 **Confinement.** The court sentences the defendant to total confinement as follows:

(a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

120 months on Count 1

102 months on Count 2

60 months on Count 3

☐ The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

☐ The confinement time on Count _____ includes _____ months as enhancement for ☐ firearm ☐ deadly weapon ☐ sexual motivation ☐ VUCSA in a protected zone ☐ manufacture of methamphetamine with juvenile present ☐ sexual conduct with a child for a fee.

Actual number of months of total confinement ordered is: _____.

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____.

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): _____.

Confinement shall commence immediately unless otherwise set forth here: _____.

(b) **Confinement.** RCW 9.94A.507 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:

| | | | |
|-------------|---------------------|---------------------|-------------------|
| Count _____ | minimum term: _____ | maximum term: _____ | Statutory Maximum |
| Count _____ | minimum term: _____ | maximum term: _____ | Statutory Maximum |
| Count _____ | minimum term: _____ | maximum term: _____ | Statutory Maximum |

(c) **Credit for Time Served.** The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

- (d) ☐ **Work Ethic Program.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for remaining time of confinement.

4.2 Community Custody. (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701, RCW 10.95.030(3))

(A) The defendant shall be on community custody for:

Counts 1, 2, and 3 36 months Sex Offenses
Count(s) _____ 36 months for Serious Violent Offenses
Count(s) _____ 18 months for Violent Offenses
Count(s) _____ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(Sex offenses, only) For count(s) _____, sentenced under RCW 9.94A.507, for any period of time the defendant is released from total confinement before the expiration of the statutory maximum.

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) for sex offenses, submit to electronic monitoring if imposed by DOC; and (10) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody. For sex offenders sentenced under RCW 9.94A.709, the court may extend community custody up to the statutory maximum term of the sentence.

The court orders that during the period of supervision the defendant shall:

☐ consume no alcohol.

☐ have no contact with: _____

☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit: _____

☐ not reside within 880 feet of the facilities or grounds of a public or private school (community protection zone). RCW 9.94A.030.

☐ participate in an education program about the negative costs of prostitution.

☐ participate in the following crime-related treatment or counseling services: _____

☐ undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse

☐ mental health ☐ anger management, and fully comply with all recommended treatment. _____

☒ comply with the following crime-related prohibitions: The defendant shall have no crimes against persons; No registration offenses.

☒ Other conditions:

1. The defendant shall follow all sex offender registration requirements.
2. The defendant shall have no contact with juveniles under 18 years of age.
3. The defendant shall obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be from a State-certified therapist approved by his CCO.
4. The defendant shall submit to polygraph examinations to monitor compliance with conditions and/or treatment at the direction of CCO and/or therapist. Must not be found deceptive.

10. The defendant shall not possess, use, or have access to, any computer or device with any access to the internet, except as approved by DOC.

(C) For sentences imposed under RCW 9.94A.507, the Indeterminate Sentence Review Board may impose other conditions (including electronic monitoring if DOC so recommends). In an emergency, DOC may impose other conditions for a period not to exceed seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

(D) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:

- (i) As long as the defendant's conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not committed any crimes after he or she turned 18 or committed a major violation in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 20 years.
- (ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. The defendant will be required to comply with any conditions imposed by the Board.

4.3a Legal Financial Obligations: The defendant shall pay to the clerk of this court:

JASS CODE

| | | | |
|-----|----------------------|-----------------------------------------------------------------------|----------------|
| PCV | \$ 500.00 | Victim assessment | RCW 7.68.035 |
| CRC | \$ 200.00 | Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190 | |
| PUB | \$ 575.00 | Fees for court appointed attorney | RCW 9.94A.760 |
| | \$ 100.00 | DNA collection fee | RCW 43.43.7541 |

\$ _____ Restitution to _____

\$ _____ **Total** RCW 9.94A.760

☐ The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☐ shall be set by the prosecutor.

☐ is scheduled for _____ (date).

☐ The defendant waives any right to be present at any restitution hearing (sign initials): _____.

☐ **Restitution** Schedule attached.

☒ The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

☒ All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____.
RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

- ☐ The court orders the defendant to pay costs of incarceration at the rate of \$_____ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

- 4.3b** ☐ **Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____, for the cost of pretrial electronic monitoring in the amount of \$_____.

- 4.4 DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

- ☐ **HIV Testing.** The defendant shall submit to HIV testing. RCW 70.24.340.

4.5 No Contact:

- ☒ The defendant shall not have contact with (name) M.A.R. including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 120 months (which does not exceed the maximum statutory sentence). *+Melissa Kluwer + her immediate family*

- ☒ The defendant is excluded or prohibited from coming within 100 Yards (distance) of:
☒ Melissa Kluwer (name of protected person(s))'s
☒ home/ residence ☒ work place ☐ school ☐ (other location(s))

☐ other location: _____, or
for 10 Years. (which does not exceed the maximum statutory sentence).

- ☐ A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order, Stalking No-Contact Order, or Sexual Assault Protection Order is filed concurrent with this Judgment and Sentence.

4.6 Other:

- 4.7 Off-Limits Order:** (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

- 4.8 Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

V. Notices and Signatures

- 5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 Length of Supervision. If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 Notice of Income-Withholding Action. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 Community Custody Violation.

(a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633.

(b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.714.

5.5a Firearms. You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040 and RCW 9.41.047.

5.5b ☐ Felony Firearm Offender Registration. The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

5.6 Sex and Kidnapping Offender Registration. RCW 9A.44.128, 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.128, you are required to register.

If you are a resident of Washington, you must register with the sheriff of the county of the state of Washington where you reside. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of the state of Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of your school, where you are employed, or where you carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If you move to Washington or if you leave this state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in

this state.

3. Change of Residence Within State: If you change your residence within a county, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of residence to the sheriff within three business days of moving. If you change your residence to a new county within this state, you must register with the sheriff of the new county within three business days of moving. Also within three business days, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you last registered.

4. Leaving the State or Moving to Another State: If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the state, you must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): You must give notice to the sheriff of the county where you are registered within three business days:

- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) after any termination of enrollment or employment at a school or institution of higher education.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within three business days of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within three business days after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register with the sheriff of the new county not more than three business days after entering the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

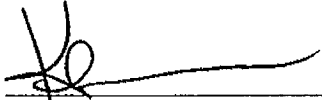
7. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

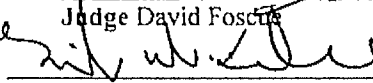
- 5.7 ☐ Department of Licensing Notice:** The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. **Clerk's Action** –The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. **Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information):**
- ☐ Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of _____.
 - ☐ No BAC test result.
 - ☐ BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
 - ☐ Drug Related. The defendant was under the influence of or affected by any drug.
 - ☐ THC level was _____ within two hours after driving.
 - ☐ Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.


Vehicle Info.: ☐ Commercial Veh.; ☐ 16 Passenger Veh.; ☐ Hazmat Veh..

5.8 Other: _____

Done in Open Court and in the presence of the defendant this date: 3/20/15


KATHERINE L. SVOBODA
Prosecuting Attorney
WSBA No. 34097

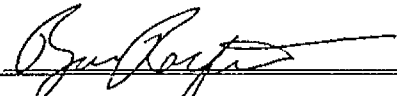

Judge David Foscht
ERIK M. KUPKA
Attorney for Defendant
WSBA No. 28835


RYAN A. ROCQUIN
Defendant

Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: 

I am a certified or registered interpreter or the court has found me otherwise qualified to interpret, in the _____ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

VI. Identification of the Defendant

SID No. _____
 (If no SID complete a separate Applicant card
 (form FD-258) for State Patrol)

Date of Birth 10-12-1981

FBI No. _____

Local ID No. _____

PCN No. _____

Other _____

Alias name. DOB: _____

Race:

☐ Asian/Pacific Islander ☐ Black/African-American ☒ Caucasian
☐ Native American ☐ Other: _____

Ethnicity:

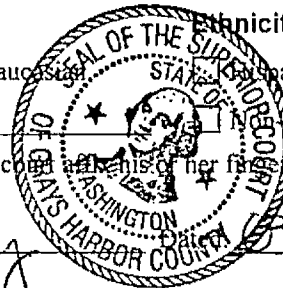
☐ Hispanic ☐ Non-Hispanic

Sex:

☒ Male ☐ Female

Fingerprints: I attest that I saw the defendant who appeared in court with his/her fingerprints and signature on this document.

Clerk of the Court. Deputy Clerk, B. McCallery



The defendant's signature:

| | | | |
|----------------------------------------|------------|-------------|-----------------------------------------|
| Left four fingers taken simultaneously | Left Thumb | Right Thumb | Right four fingers taken simultaneously |
| | | | |

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF Grays Harbor

| | | |
|---------------------|---|---------------------------------------|
| STATE OF WASHINGTON | } | Cause No.: 14-1-203-6 & 14-1-376-8 |
| | } | |
| | } | |
| Plaintiff | } | JUDGMENT AND SENTENCE (FELONY) |
| v. | } | APPENDIX H |
| Ryan A. Rocquin | | COMMUNITY PLACEMENT / CUSTODY |
| | } | |
| Defendant | } | |
| | } | |
| DOC No. 380668 | } | |

The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

COMMUNITY PLACEMENT/CUSTODY: Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.507 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.728 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.602 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

14-1-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

Page 1 of 3

(a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A.505);
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set forth in writing by the Community Corrections Officer.

WAIVER: The following above-listed mandatory conditions are waived by the Court:

(b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

- (10) Residence and or living situation must be approved in advance by the CCO.
- (11) Maintain employment as approved by CCO.
- (12) Submit to affirmative acts necessary to monitor compliance.
- (13) Submit to urinalysis testing as directed by CCO.
- (14) Abide by all Sex Offender Registration Laws of the state of Washington.
- (15) Obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be from a therapist approved by his/her CCO.
- (16) No contact with the victims, M.A.R and the victim's family either oral, written or through a third party for life.
- (17) No contact with minors under 18 years of age.
- (18) Do not change therapist or treatment provider without prior approval of the CCO and the treatment provider.
- (19) Submit to polygraph and plethysmograph examinations as directed by the CCO.
- (20) Do not access the internet, email or any and all social media sites without permission from CCO and treatment provider.
- (21) Do not possess or ~~pursue~~ ^{possess} any sexually explicit material.
- (22) Do not enter x-rated movies, peep shows, or adult book stores.
- (23) Do not purchase, possess, or use any illegal controlled substance, or drug paraphernalia without the written prescription of a licensed physician.
- (24) Submit to all testing and reasonable searches of your person, residence and vehicle or personal

14-1-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

Page 2 of 3

- property.
- (25) Do not purchase, possess, or consume alcohol.
 - (26) Do not enter any business where alcohol is the primary commodity for sale.
 - (27) Consent to home visits by the Department of Corrections to monitor compliance of supervision.
 - (27) Obey all laws.
 - (28) Do not loiter or frequent places where children congregate; including, but not limited to shopping malls, schools, playgrounds and video arcades.
 - (29) Abide by global positioning system (GPS) monitoring as directed by the Court, the Community Custody Board or the Department of Corrections.

DATE

3/20/15

JUDGE, David Foscoe COUNTY SUPERIOR COURT

14-1-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

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Attachment I
2/17/15 VRP

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF GRAYS HARBOR

| | | |
|----------------------|---|------------------|
| STATE OF WASHINGTON, |) | |
| |) | |
| Plaintiff, |) | NO. 14-1-00203-6 |
| |) | NO. 14-1-00376-8 |
| vs. |) | |
| |) | |
| RYAN ROCQUIN, |) | |
| |) | |
| Defendant. |) | |

VERBATIM REPORT OF PROCEEDINGS
BEFORE
THE HONORABLE JUDGE PRO TEM DAVID FOSCUE

February 17, 2015
Grays Harbor County Superior Court
Courtroom No.
Montesano, Washington

A P P E A R A N C E S

FOR STATE OF WASHINGTON: Ms. KATHERINE SVOBODA
Prosecuting Attorney

THE DEFENDANT: MR. ERIK KUPKA
Attorney at Law

REPORTED BY: BRENDA F. JOHNSTON, CCR (1995)
Official Court Reporter
GRAYS HARBOR SUPERIOR COURT
102 W. BROADWAY, #203
MONTESANO, WA 98563

1 P R O C E E D I N G S

2 February 17, 2015

3 THE COURT: State versus Rocquin.

4 MR. KUPKA: That matter is ready, Your Honor. Mr.
5 Rocquin, he is present and in custody, Your Honor. We
6 have two matters.

7 MS. SVOBODA: Counsel, did we have to sign a new pro
8 tem order, or is the old one good enough?

9 THE COURT: The old one is fine.

10 MS. SVOBODA: I -- counsel and I had both agreed in
11 perpetuity to you as pro tem for any case.

12 THE COURT: Well, I think it's up to the defendant.
13 He is a party to this case too.

14 MR. KUPKA: Thank you, Your Honor. On both cause
15 numbers, 14-1-00203-6, as well as 14-1-00376-8, if I
16 may approach, I will hand forward to the Court a plea
17 agreement, as well as a statement on plea of guilty,
18 and the registration form.

19 I have reviewed the plea agreements with Mr. Rocquin
20 at the Grays Harbor County Jail last week, I believe he
21 understands all the terms and conditions as required by
22 the plea agreement, and the defendant would like to
23 freely and voluntarily plea guilty in both cause
24 numbers.

25 THE COURT: Mr. Rocquin, I have the statements on

1 defendant on plea of guilty in your case. And I am
2 showing you the signature line, if I could find it
3 here. These statements -- counsel, this statement
4 seems to have had a few missing pages.

5 MR. KUPKA: Under the other cause number, I found a
6 copy of the original information attached to the
7 statement, because there wasn't sufficient room to put
8 it all on --

9 THE COURT: There is no signature page on there.

10 MR. KUPKA: There is, Your Honor.

11 THE COURT: Oh, okay.

12 Is this your signature?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Did you read each of these statements?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And did you understand everything that
17 they say?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: There is a section on the first page
20 that discusses the rights that you have; did you read
21 those rights?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Did you understand them?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Do you understand that when you enter a

1 plea of guilty, you give up those rights?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: These forms let you know what the
4 standard range sentence is, and the maximum term; do
5 you understand those terms?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you understand that you will be
8 required to register as a sex offender?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: I want to emphasize that, as I
11 understand it, that approximately 20 percent of the
12 people who are registered sex offenders are ultimately
13 convicted of failing to register, and it's a situation
14 that shouldn't happen.

15 THE DEFENDANT: I understand, Your Honor.

16 THE COURT: Okay. Do you understand that you may
17 not have any firearms, possess any firearms as a result
18 of this plea?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Let me turn first to the first charge
21 that was filed here. Cause number 14-1-00203-6, you
22 are charged with the crime of child molestation in the
23 first degree. The information alleges that you, in
24 Grays Harbor County, on or about the period beginning
25 April 11, 2014 and ending April 13, 2014, had sexual

1 contact with M.A.R., who is less than 12 years old and
2 not married to you, and that you were at least 36
3 months older than M.A.R; how do you plea to that
4 charge?

5 THE DEFENDANT: Guilty, Your Honor.

6 THE COURT: In cause number 14-1-00376-8, you are
7 charged in Count 1 with the crime of sexual
8 exploitation of a minor, possession of depictions of a
9 minor engaged in sexually explicit conduct in the first
10 degree. That alleges that you, in Grays Harbor County
11 Washington, that on or about the period between
12 April 11, 2014 and ending April 14 -- excuse me
13 April 13, 2014, did compel, aid and invite, employ
14 authorizes or cause M.A.R., a person under the age of
15 18 years, to engage in sexually explicit conduct,
16 knowing that such contact would be photographed; how do
17 you pela to that charge?

18 THE DEFENDANT: Guilty, Your Honor.

19 THE COURT: Count 2 alleges the crime of possession
20 of depictions of minor engaged in sexually explicit
21 conduct in the first degree. And the charging part
22 alleges that you, in Grays Harbor County Washington, on
23 or about April 17th, 2014, did knowingly possess a
24 visual or printed matter depicting a minor engaged in
25 sexually explicit conduct involving actual or

1 simulated; sexual intercourse, penetration of the
2 vagina or rectum by any object, and/or masturbation;
3 how do you plea to that charge?

4 THE DEFENDANT: Guilty, Your Honor.

5 THE COURT: Count 3 of that information alleges the
6 crime of possession of depictions of minor engaged in
7 sexually explicit conduct in the second degree, and it
8 alleges that you, in Grays Harbor County Washington, on
9 or about April 17, 2014, did knowingly possess any
10 visual or printed matter depicting a minor engaged in
11 sexually explicit conduct involving actual or simulated
12 depictions of the genitals or unclothed pubic or rectal
13 areas of any minor for the purpose of sexual
14 gratification of the viewer; how do you plea to that
15 charge?

16 THE DEFENDANT: Guilty, Your Honor.

17 THE COURT: Has anybody made any promises to you
18 that are not reflected here to cause you to plea
19 guilty?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Has anyone threatened you or anybody
22 else to cause you to plea guilty?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Is this your own free and voluntary
25 decision in this case?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: I have reviewed, in cause number 376,
3 the court file, I haven't reviewed the police reports,
4 but I did review the statement of probable cause, and
5 find that there is a factual basis for the plea based
6 on that. You read the plea yourself?

7 THE DEFENDANT: I am sorry, Your Honor?

8 THE COURT: You read the plea form yourself?

9 THE DEFENDANT: Yes.

10 THE COURT: I am going to find that your pleas in
11 these cases are knowingly, intelligently and
12 voluntarily made, that you understand the charges and
13 the consequences of the plea, and that there is a
14 factual basis for each charge, and that you are guilty
15 as charged.

16 Now, we need to order a presentence report?

17 MS. SVOBODA: Yes, Your Honor. I have orders for
18 presentence evaluation. We are asking that sentencing
19 be set March 20th at 3:00, if the Court is available.
20 And also, on 203-6 Mr. -- his bail is exonerated, and
21 he should be held without bail pending sentencing
22 pursuant to statute.

23 THE COURT: All right. I will set sentencing for
24 3:00 on the 20th of March.

25 MR. KUPKA: Is Your Honor available that date?

1 THE COURT: Pardon?

2 MR. KUPKA: Is Your Honor available that day?

3 THE COURT: I believe so.

4 Anything further counsel?

5 MS. SVOBODA: Nothing from the State, Your Honor.

6 MR. KUPKA: Nothing from the defendant, Your Honor.

7 THE COURT: At your sentencing, I will be provided

8 with a presentence report from the Department of

9 Corrections, your attorney and the prosecutor can also

10 give me additional information, and you will have the

11 opportunity to make statement too, okay?

12 THE DEFENDANT: Sure.

13 THE COURT: That's all.

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REPORTER'S CERTIFICATE

STATE OF WASHINGTON)
) SS.
COUNTY OF GRAYS HARBOR)

I, BRENDA F. JOHNSTON, Official Court Reporter for the Superior Court of the State of Washington, County of Grays Harbor, License No. 1995, do hereby certify that I was present in court during the foregoing matter of In re State v. Rocquin, and reported said proceedings stenographically.

I DO FURTHER CERTIFY that the foregoing transcript constitutes a full, true, and accurate transcript of that portion of my stenograph notes so taken and so ordered.

I DO FURTHER CERTIFY that I am not related to any of the parties to this lawsuit, nor am I interested in the outcome thereof.

Dated this 1st day of August, 2016.

BRENDA F. JOHNSTON, CCR
Official Court Reporter
Grays Harbor County Courthouse
102 W. Broadway, #203
Montesano, WA 98563
(360) 249-2642

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF GRAYS HARBOR

| | | |
|----------------------|---|------------------|
| STATE OF WASHINGTON, |) | |
| |) | |
| Plaintiff, |) | NO. 14-1-00203-6 |
| |) | NO. 14-1-00376-8 |
| vs. |) | |
| |) | |
| RYAN ROCQUIN, |) | |
| |) | |
| Defendant. |) | |

VERBATIM REPORT OF PROCEEDINGS
BEFORE
THE HONORABLE JUDGE PRO TEM DAVID FOSCUE

February 17, 2015
Grays Harbor County Superior Court
Courtroom No.
Montesano, Washington

A P P E A R A N C E S

FOR STATE OF WASHINGTON: Ms. KATHERINE SVOBODA
Prosecuting Attorney

THE DEFENDANT: MR. ERIK KUPKA
Attorney at Law

REPORTED BY: BRENDA F. JOHNSTON, CCR (1995)
Official Court Reporter
GRAYS HARBOR SUPERIOR COURT
102 W. BROADWAY, #203
MONTESANO, WA 98563

1 P R O C E E D I N G S

2 February 17, 2015

3 THE COURT: State versus Rocquin.

4 MR. KUPKA: That matter is ready, Your Honor. Mr.
5 Rocquin, he is present and in custody, Your Honor. We
6 have two matters.

7 MS. SVOBODA: Counsel, did we have to sign a new pro
8 tem order, or is the old one good enough?

9 THE COURT: The old one is fine.

10 MS. SVOBODA: I -- counsel and I had both agreed in
11 perpetuity to you as pro tem for any case.

12 THE COURT: Well, I think it's up to the defendant.
13 He is a party to this case too.

14 MR. KUPKA: Thank you, Your Honor. On both cause
15 numbers, 14-1-00203-6, as well as 14-1-00376-8, if I
16 may approach, I will hand forward to the Court a plea
17 agreement, as well as a statement on plea of guilty,
18 and the registration form.

19 I have reviewed the plea agreements with Mr. Rocquin
20 at the Grays Harbor County Jail last week, I believe he
21 understands all the terms and conditions as required by
22 the plea agreement, and the defendant would like to
23 freely and voluntarily plea guilty in both cause
24 numbers.

25 THE COURT: Mr. Rocquin, I have the statements on

1 defendant on plea of guilty in your case. And I am
2 showing you the signature line, if I could find it
3 here. These statements -- counsel, this statement
4 seems to have had a few missing pages.

5 MR. KUPKA: Under the other cause number, I found a
6 copy of the original information attached to the
7 statement, because there wasn't sufficient room to put
8 it all on --

9 THE COURT: There is no signature page on there.

10 MR. KUPKA: There is, Your Honor.

11 THE COURT: Oh, okay.

12 Is this your signature?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Did you read each of these statements?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And did you understand everything that
17 they say?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: There is a section on the first page
20 that discusses the rights that you have; did you read
21 those rights?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Did you understand them?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Do you understand that when you enter a

1 plea of guilty, you give up those rights?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: These forms let you know what the
4 standard range sentence is, and the maximum term; do
5 you understand those terms?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you understand that you will be
8 required to register as a sex offender?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: I want to emphasize that, as I
11 understand it, that approximately 20 percent of the
12 people who are registered sex offenders are ultimately
13 convicted of failing to register, and it's a situation
14 that shouldn't happen.

15 THE DEFENDANT: I understand, Your Honor.

16 THE COURT: Okay. Do you understand that you may
17 not have any firearms, possess any firearms as a result
18 of this plea?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Let me turn first to the first charge
21 that was filed here. Cause number 14-1-00203-6, you
22 are charged with the crime of child molestation in the
23 first degree. The information alleges that you, in
24 Grays Harbor County, on or about the period beginning
25 April 11, 2014 and ending April 13, 2014, had sexual

1 contact with M.A.R., who is less than 12 years old and
2 not married to you, and that you were at least 36
3 months older than M.A.R; how do you plea to that
4 charge?

5 THE DEFENDANT: Guilty, Your Honor.

6 THE COURT: In cause number 14-1-00376-8, you are
7 charged in Count 1 with the crime of sexual
8 exploitation of a minor, possession of depictions of a
9 minor engaged in sexually explicit conduct in the first
10 degree. That alleges that you, in Grays Harbor County
11 Washington, that on or about the period between
12 April 11, 2014 and ending April 14 -- excuse me
13 April 13, 2014, did compel, aid and invite, employ
14 authorizes or cause M.A.R., a person under the age of
15 18 years, to engage in sexually explicit conduct,
16 knowing that such contact would be photographed; how do
17 you pela to that charge?

18 THE DEFENDANT: Guilty, Your Honor.

19 THE COURT: Count 2 alleges the crime of possession
20 of depictions of minor engaged in sexually explicit
21 conduct in the first degree. And the charging part
22 alleges that you, in Grays Harbor County Washington, on
23 or about April 17th, 2014, did knowingly possess a
24 visual or printed matter depicting a minor engaged in
25 sexually explicit conduct involving actual or

1 simulated; sexual intercourse, penetration of the
2 vagina or rectum by any object, and/or masturbation;
3 how do you plea to that charge?

4 THE DEFENDANT: Guilty, Your Honor.

5 THE COURT: Count 3 of that information alleges the
6 crime of possession of depictions of minor engaged in
7 sexually explicit conduct in the second degree, and it
8 alleges that you, in Grays Harbor County Washington, on
9 or about April 17, 2014, did knowingly possess any
10 visual or printed matter depicting a minor engaged in
11 sexually explicit conduct involving actual or simulated
12 depictions of the genitals or unclothed pubic or rectal
13 areas of any minor for the purpose of sexual
14 gratification of the viewer; how do you plea to that
15 charge?

16 THE DEFENDANT: Guilty, Your Honor.

17 THE COURT: Has anybody made any promises to you
18 that are not reflected here to cause you to plea
19 guilty?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Has anyone threatened you or anybody
22 else to cause you to plea guilty?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Is this your own free and voluntary
25 decision in this case?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: I have reviewed, in cause number 376,
3 the court file, I haven't reviewed the police reports,
4 but I did review the statement of probable cause, and
5 find that there is a factual basis for the plea based
6 on that. You read the plea yourself?

7 THE DEFENDANT: I am sorry, Your Honor?

8 THE COURT: You read the plea form yourself?

9 THE DEFENDANT: Yes.

10 THE COURT: I am going to find that your pleas in
11 these cases are knowingly, intelligently and
12 voluntarily made, that you understand the charges and
13 the consequences of the plea, and that there is a
14 factual basis for each charge, and that you are guilty
15 as charged.

16 Now, we need to order a presentence report?

17 MS. SVOBODA: Yes, Your Honor. I have orders for
18 presentence evaluation. We are asking that sentencing
19 be set March 20th at 3:00, if the Court is available.
20 And also, on 203-6 Mr. -- his bail is exonerated, and
21 he should be held without bail pending sentencing
22 pursuant to statute.

23 THE COURT: All right. I will set sentencing for
24 3:00 on the 20th of March.

25 MR. KUPKA: Is Your Honor available that date?

1 THE COURT: Pardon?

2 MR. KUPKA: Is Your Honor available that day?

3 THE COURT: I believe so.

4 Anything further counsel?

5 MS. SVOBODA: Nothing from the State, Your Honor.

6 MR. KUPKA: Nothing from the defendant, Your Honor.

7 THE COURT: At your sentencing, I will be provided

8 with a presentence report from the Department of

9 Corrections, your attorney and the prosecutor can also

10 give me additional information, and you will have the

11 opportunity to make statement too, okay?

12 THE DEFENDANT: Sure.

13 THE COURT: That's all.

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REPORTER'S CERTIFICATE

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I, BRENDA F. JOHNSTON, Official Court Reporter for the Superior Court of the State of Washington, County of Grays Harbor, License No. 1995, do hereby certify that I was present in court during the foregoing matter of In re State v. Rocquin, and reported said proceedings stenographically.

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I DO FURTHER CERTIFY that I am not related to any of the parties to this lawsuit, nor am I interested in the outcome thereof.

Dated this 1st day of August, 2016.

BRENDA F. JOHNSTON, CCR
Official Court Reporter
Grays Harbor County Courthouse
102 W. Broadway, #203
Montesano, WA 98563
(360) 249-2642

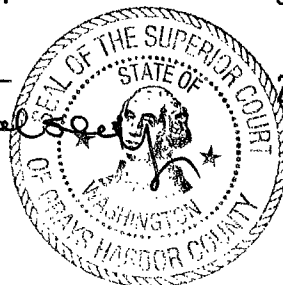
Attachment J

14-1-203-6 Motion and Declaration

Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this _____ day of AUG 21 2016

Cheryl Brown, Clerk By Audrey Balcer
Deputy Clerk



FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

2014 MAY 28 PM 1:17

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

RYAN A. ROCQUIN,

Defendant.

No.:

14-1-203-6

MOTION AND DECLARATION FOR
ORDER FOR WARRANT OF ARREST

P. A. No.: CR14-0198

LEA No.: APD 14-A06787

COMES NOW the State of Washington, plaintiff, and moves the Court for an order directing the issuance of a warrant for arrest of the defendant.

THIS MOTION is based upon the following declaration.

GERALD R. FULLER
Interim Prosecuting Attorney
for Grays Harbor County

BY: Katherine L. Svoboda

KATHERINE L. SVOBODA
Chief Criminal Deputy
WSBA #34097

DECLARATION

I, Katherine L. Svoboda, hereby declare and say as follows:

1 Pursuant to CrR 2.2(a)(3)(i), the DISCIS, DOL and DOC databases have been searched for
2 the defendant's current address and the results of that search have been filed with the Clerk in this
3 cause number.

4 That an Information was filed charging the defendant with a criminal offense and probable
5 cause exists for the issuance of an arrest warrant based upon the following facts which have been
6 furnished in a police report submitted by the Aberdeen Police Department:
7

8 M.A.R. is a minor-aged female with a date of birth of December 1, 2008. The defendant is an
9 adult male with a date of birth of October 12, 1981. The defendant is M.A.R.'s biological father.
10 M.A.R. resides with her mother, Melissa Maurer, in Centralia. Over the weekend (04-11-14 to 04-13-
11 14) M.A.R. went to the defendant's house at 1214 Spur Street in Aberdeen, WA. Maurer picked up
12 M.A.R. in Oakville from Rocquin and drove her home.

13 On 04/14/14 at 1715 hours Maurer and M.A.R. were in the bathroom of their house in
14 Centralia, WA. While they were in the bathroom, M.A.R. told her mother that "Daddy Ryan licks my
15 bottom". Maurer was surprised by the statement M.A.R. just said, and asked her to clarify. M.A.R.
16 again says to Maurer that "Daddy Ryan licks her bottom and took pictures". When asked what kind
17 of pictures, M.A.R. stated "naughty pictures." M.A.R. went on to say that he also touched her bottom
18 with a pink candle and that she didn't like it cause it hurt. M.A.R. was very specific in explaining that
19 her dad Ryan was taking inappropriate pictures of sexually motivated acts with his daughter. Maurer
20 advised that she couldn't believe what she was being told by her daughter and was in shock by the
21 whole conversation. She placed her phone on the counter and turned on the video to record what was
22 being said by M.A.R.. When she stopped talking about it and asked to go outside and play. Maurer
23 used the opportunity to call police immediately. Maurer was interviewed by Officer Perkinson.
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1 Maurer told Officer Perkinson that she did not ever think that the defendant would do
2 something like this despite a rough separation and divorce several years ago. One of the reasons for
3 their divorce was that Rocquin was getting weird sexual fetishes that she did not like. Maurer also
4 described a previous incident where M.A.R. was very red and swollen in her vaginal area after a
5 visitation to the defendant's house. She was concerned enough to take M.A.R. to St. Peter's sexual
6 assault clinic to have her checked. However there was nothing conclusive found during the
7 examination.
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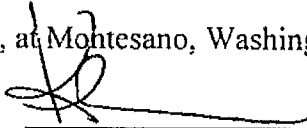
9 On 04/15/14, M.A.R. went to St. Peter's clinic for an exam. The examination did not produce
10 any conclusive evidence that M.A.R. had been sexually assaulted or had any injuries. However
11 during the exam interview with M.A.R., additional information was divulged. M.A.R. disclosed that
12 her dad would have her spread her legs apart and he would lick her bottom and open it with his
13 fingers while taking pictures. M.A.R. also disclosed that her dad made her hold his penis while he
14 took a picture of it. M.A.R. disclosed that her dad would touch her bottom with a pink candle and it
15 would tickle her.
16

17 On April 17, 2014, a search warrant was served at the defendant's home. Officers recovered a
18 "sex toy" that matches M.A.R.'s description of the "pink candle." They also seized a number of items
19 that may contain digital images. These items are being sent for forensic examination.
20

21 That the above acts occurred in Grays Harbor County, Washington. That a warrant should
22 issue.
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1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct to the best of my knowledge and belief.

3 DATED this 28 day of May, 2014, at Montesano, Washington.

4 
5 KATHERINE L. SVOBODA
6 Chief Criminal Deputy
7 WSBA #34097

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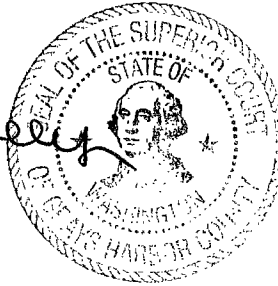
Attachment K

14-1-376-8 Motion and Declaration

Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this AUG 24 2016 day of

Cheryl Brown, Clerk By Cindy Balslev
Deputy Clerk



FILED
GRAYS HARBOR COUNTY
C BROWN, CLERK

2014 SEP 18 PM 4:24

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

RYAN A. ROCQUIN,

Defendant.

No.: 14-1-376-8

MOTION AND DECLARATION FOR
ORDER FOR WARRANT OF ARREST

P. A. No.: CR14-0198

LEA No.: APD 14-A06787

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THIS MOTION is based upon the following declaration.

GERALD R. FULLER
Interim Prosecuting Attorney
for Grays Harbor County

BY: [Signature]

KATHERINE L. SVOBODA
Chief Criminal Deputy
WSBA #34097

DECLARATION

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3 cause number.

4 That an Information was filed charging the defendant with a criminal offense and probable
5 cause exists for the issuance of an arrest warrant based upon the following facts which have been
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11 14) M.A.R. went to the defendant's house at 1214 Spur Street in Aberdeen, WA. Maurer picked up
12 M.A.R. in Oakville from Rocquin and drove her home.

13
14 On 04/14/14 at 1715 hours Maurer and M.A.R. were in the bathroom of their house in
15 Centralia, WA. While they were in the bathroom, M.A.R. told her mother that "Daddy Ryan licks my
16 bottom". Maurer was surprised by the statement M.A.R. just said, and asked her to clarify. M.A.R.
17 again says to Maurer that "Daddy Ryan licks her bottom and took pictures". When asked what kind
18 of pictures, M.A.R. stated "naughty pictures." M.A.R. went on to say that he also touched her bottom
19 with a pink candle and that she didn't like it cause it hurt. M.A.R. was very specific in explaining that
20 her dad Ryan was taking inappropriate pictures of sexually motivated acts with his daughter. Maurer
21 advised that she couldn't believe what she was being told by her daughter and was in shock by the
22 whole conversation. She placed her phone on the counter and turned on the video to record what was
23 being said by M.A.R.. When she stopped talking about it and asked to go outside and play. Maurer
24 used the opportunity to call police immediately. Maurer was interviewed by Officer Perkinson.

1 Maurer told Officer Perkinson that she did not ever think that the defendant would do
2 something like this despite a rough separation and divorce several years ago. One of the reasons for
3 their divorce was that Rocquin was getting weird sexual fetishes that she did not like. Maurer also
4 described a previous incident where M.A.R. was very red and swollen in her vaginal area after a
5 visitation to the defendant's house. She was concerned enough to take M.A.R. to St. Peter's sexual
6 assault clinic to have her checked. However there was nothing conclusive found during the
7 examination.
8

9 On 04/15/14, M.A.R. went to St. Peter's clinic for an exam. The examination did not produce
10 any conclusive evidence that M.A.R. had been sexually assaulted or had any injuries. However
11 during the exam interview with M.A.R., additional information was divulged. M.A.R. disclosed that
12 her dad would have her spread her legs apart and he would lick her bottom and open it with his
13 fingers while taking pictures. M.A.R. also disclosed that her dad made her hold his penis while he
14 took a picture of it. M.A.R. disclosed that her dad would touch her bottom with a pink candle and it
15 would tickle her.
16

17 On April 17, 2014, a search warrant was served at the defendant's home. Officers recovered a
18 "sex toy" that matches M.A.R.'s description of the "pink candle." They also seized a number of items
19 that may contain digital images. On September 12, 2014, the State was able to review a report
20 submitted by Bellevue Officer Robert Dentz. Officer Dentz conducted a forensic examination of the
21 digital media seized during the execution of the search warrant at the defendant's home.
22

23 This forensic examination led to the discovery of approximately 400 digital images that depict
24 both male and female children engaged in sexually explicit poses or acts. Of special concern to the
25 officer was an image he believed was possibly the defendant's daughter M.A.R. A redacted
26 photograph was provided to Detective Weiss of the Aberdeen Police Department who was able to
27

1 confirm that the child was indeed M.A.R. A total of seven nude pictures of M.A.R. were located on a
2 thumb drive found in the defendant's home. The photographs show the victim in various poses
3 exposing her breasts and spreading her legs to show her vagina. In these photographs, M.A.R. is
4 wearing lingerie-type thong underwear. The photographs depict what M.A.R. described happened in
5 April of 2014. Also, Detective Weiss was able to identify the defendant's home from the background
6 of the photographs of M.A.R. These photographs are the basis for Count 1 of this Information.
7

8 Also contained on the thumb drive were numerous photographs of children having anal and
9 oral intercourse with each other and adult males. These children range in age from approximately six
10 to ten years-old. These images are the basis for the allegation in Count 2. In addition to these
11 images, numerous photographs of children posing to expose their genitals were found on the thumb
12 drive. These children appear to range in age from approximately five to ten years-old. These
13 photographs are the basis for the allegation and Count 3 of the Information.
14

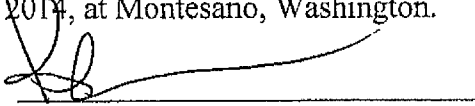
15 The defendant has been charged with Child Molestation in Grays Harbor County cause
16 number 14-1-203-6. The defendant posted bail in the amount of \$25,000 in that cause number and is
17 out on pretrial release. His next hearing date is set for October 13, 2014. The State is asking that a
18 warrant issue in this cause number and that bail be set at \$250,000. Obviously the landscape of the
19 case changes dramatically when photographs are recovered that depict the abuse. Also, when the
20 search warrant was served on the defendant's home, a large number of firearms were located and
21 seized; however, the Aberdeen Police Department has information that leads them to believe the
22 defendant likely has additional weapons secreted in other places. Further, the defendant had a bag
23 packed and appeared ready to leave at a moment's notice. The State does note that it did not appear
24 the defendant was packed to flee the criminal charge, but he is a "survivalist" and has the preparation
25 and means to leave an area quickly. Considering the seriousness of the charge and the defendant's
26
27

1 access to weapons and his ability to leave quickly, law enforcement and the State fear that if the
2 defendant is not arrested and brought before the court, he will either flee the jurisdiction or perhaps
3 do himself harm rather than face the charges at hand.

4 That the above acts occurred in Grays Harbor County, Washington. That a warrant should
5 issue.

6 I declare under penalty of perjury under the laws of the State of Washington that the
7 foregoing is true and correct to the best of my knowledge and belief.
8

9 DATED this 18th day of September, 2014, at Montesano, Washington.

10 
11 KATHERINE L. SVOBODA
12 Chief Criminal Deputy
13 WSBA #34097

14 KLS/ws
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GRAYS HARBOR COUNTY PROSECUTOR

August 24, 2016 - 1:57 PM

Transmittal Letter

Document Uploaded: 3-prp2-487551-Response.pdf

Case Name:

Court of Appeals Case Number: 48755-1

Is this a Personal Restraint Petition? ☒ Yes ☐ No

The document being Filed is:

Designation of Clerk's Papers

Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: _____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

☒ Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Katherine L Svoboda - Email: ksvoboda@co.grays-harbor.wa.us

A copy of this document has been emailed to the following addresses:

amberh@phelpslaw1.com

phelps@phelpslaw1.com